

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-27453-2020(O&M)
Date of Decision: 02.09.2021
(Heard through VC)**

Juhi Shah

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. N. C. Kinra, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Akashdeep Singh, Advocate
for respondent No. 3.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439(2) Cr.P.C., for cancellation of anticipatory bail allowed to respondent No. 3 by Additional Sessions Judge, Rohtak, vide order dated 19.08.2020 in bail Application No. 261 of 2020 titled as Vikram Vs State of Haryana in case FIR No.229 dated 27.07.2020 under Sections 498A, 506, 354A, 323 and 34 IPC registered at Police Station Urban Estate, Rohtak.

Learned counsel for the petitioner herein challenges the order dated 19.08.2020 whereby the respondent No. 3 had been allowed to join the investigation and interim bail order had been confirmed on the grounds that in the bail application, the respondent No. 3 has made a mention that he was in possession of certain items described as Dresses, Clothes,

Cosmetics, one LED TV, one bed, one almirah and other miniscule items lying in matrimonial home. However, an admission that he was in possession of the said dowry articles the same were not recovered and, therefore, the Additional Sessions Judge, Rohtak erred in allowing him anticipatory bail.

On the other hand, learned counsel for respondent No.3 would contend that respondent No. 3 had joined the investigation and had even offered to hand over the dowry articles as has been detailed in the bail application, but it is the petitioner/complainant herself who had refused to accept the same.

Learned State counsel on instructions of ASI Pardeep Kumar, would submit that the petitioner herein had appeared in the Police Station and made a statement which when translated reads as under:

I, Juhi Shah daughter of Sardar Manjit Singh Shah, am resident of 460, Sector 14. I am filing a criminal case for dowry demand against my husband namely Mr. Vikram Singh, mother-in-law, father-in-law and sister-in-law. I want to take back my dowry articles through the Court. I want strict action to be taken against them.

I have heard counsel for the parties and have also perused case file.

On perusal of the impugned order, I found that there is no infirmity in the order so passed by the Additional Sessions Judge, Rohtak,

confirming the order of interim anticipatory bail allowed to respondent No. 3. Bail cannot be denied to respondent No.3, mainly on account of yjr gsvy that the dowry articles have not been recovered. In *Rajesh Sharma vs State of UP and others, 2017 (3) RCR (Criminal) 836*, it was held by the Apex Court that the recovery of dowry items may not by itself be a ground for denial of bail. In *Pritpal Singh versus State of Punjab and others,2014 (5) RCR(Criminal) 771*, it was held by this High Court that anticipatory bail could not be refused on ground that some articles were still to be recovered. Proceedings under Section 406, 498 A IPC are not meant for recovery of jewellery and dowry articles.

Moreover in the instant case, there is a statement of the petitioner available on police record wherein she has stated that she would like to recover the dowry articles through the court itself.

Consequently, finding that the petitioner has not violated any of the terms and conditions of the bail order, I see no ground to cancel the anticipatory bail granted to respondent No. 3.

Dismissed.

02.09.2021
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No