

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-36775-2021
Decided on : 07.09.2021

Gurpreet Kaur

..... Petitioner

Versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Shubham Mehta, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 439(2) Cr.PC for cancellation of anticipatory bail granted to respondents No.2 and 3 vide order dated 16.08.2021 in case FIR No.11 dated 27.05.2021 under Sections 498-A and 406 IPC registered at Police Station NRI, Amritsar.

Learned counsel for the petitioner submits that while passing the impugned order dated 16.08.2021, trial Court erred by ignoring the contentions of learned counsel for the petitioner as well as the public prosecutor that the gold ornaments (gold kara and bangles) recovered by the investigating agency did not belong to the petitioner. He further submits that in the circumstances and in the wake of serious allegations levelled against respondents No.2 and 3 of subjecting the petitioner to mental harassment despite a decent dowry having been given at the time of marriage, the trial court erred in going ahead and extending the concession of anticipatory bail to respondents No.2 and 3.

Heard and perused the material available on record.

Learned counsel for the petitioner has failed to satisfy this Court qua any breach of conditions which were imposed upon respondents No.2 and 3 at the time of passing of impugned order. Moreover, it cannot be over-emphasised that non-recovery of disputed dowry items cannot be a ground for denial of anticipatory bail to an accused for offences under Section 498 IPC as has also been held by the Supreme Court in ***Social Action Forum for Manav Adhikar and another vs. Union of India, Ministry of Law and Justice and Orders, (CWP No.73 of 2015)***.

Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

07.09.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No