

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

CRM-M-42197-2020
Date of decision:-7.1.2021

Priyanka

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Sandeep Goyal, Advocate
for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

Petitioner Priyanka, aged about 34 years, resident of House No.1446, Sector-6, Karnal, the complainant in FIR No.87 dated 21.10.2020 for the offences under Sections 323, 34, 406, 498-A, 506 IPC, registered with Women Police Station, Karnal, by way of filing the present petition under Section 439(2) Cr.P.C. seeks setting aside of order dated 9.11.2020 (Annexure P-5) passed by learned Sessions Judge, Karnal granting pre-arrest bail to accused Sahil Gupta, aged about 33 years (husband), Parvesh Kumar Garg, aged about 69 years (father-in-law) and Smt.Veena Garg, aged about 55 years (mother-in-law) of the complainant.

The main grouse of the petitioner is that the accused in the FIR had got recovered only some of the dowry articles and not all of them, many including valuable gold jewellery articles and despite the fact that several dowry articles of the complainant constituting her Istridhan were not got recovered by the accused, they have been granted pre-arrest bail and further the accused are harassing her by sending useless messages through relatives.

After hearing learned counsel for the petitioner and going through the record, I find that the impugned order passed by learned Sessions Judge, Karnal is quite detailed and well reasoned. The contentions now being raised in this petition have been taken into view by learned Sessions Judge, Karnal and dealt with properly. For ready reference, the relevant para of the impugned is being reproduced as under:

3. Heard. Merits are not to be dwelt upon at this stage. The fact, however, remains that the applicants have joined investigation. Certain articles of dowry have already been recovered. Whether this amounts to complete or incomplete recovery of istridhan is a matter to be decided on evidence. Merely on the assertion of the complainant that more valuable articles are yet to be recovered, anticipatory bail could not be refused. In view of the law laid down by the Hon'ble High Court in Prit Pal Singh Versus State of Punjab and another 2014 (5) RCR Criminal proceedings under Sections 406 and 498-A of IPC are not meant for recovery of jewellery and dowry articles. Complainant, if so chooses, can move civil court for

recovery of the said articles. Now there remains nothing for which custodial interrogation of applicant Sahil is required. He is permanent resident of Kurukshetra. There is no evidence which he may be in a position to tamper. So far as applicants Parvesh Kumar Garg and Veena Garg are concerned, admittedly the Investigating Agency has so far not found any incriminating material against them. It follows that their custodial interrogation is also not required.

I do not see any reason to take a different view and withdraw the concession of pre-arrest bail to the accused by allowing the present petition.

The petition is found to be without any merit and is dismissed accordingly.

7.1.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No