

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

**CRM-M-48398-2019 (O&M)
Date of Decision: 09.07.2021
(Heard through VC)**

Banit Kumar Rana

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. K.S. Dadwal, Advocate
for the petitioner.

Ms. Rashmi Attri, A.A.G., Punjab.

Mr. Bhupinder Kumar Gupta, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.78 dated 07.09.2019 under Sections 406/498-A IPC, registered at Police Station PS Women Cell, Jalandhar, Distt. Police Commissionerate, Jalandhar.

Vide order dated 15.11.2019, the petitioner had been directed to join investigation which he did and handed over some of the gold ornaments in Istridhan to the Investigating Officer. An amount of Rs.1 lac was handed over to the complainant in cash and two FDRs for an amount of Rs.50,000/- each were also handed over to the counsel for the complainant.

The petitioner, meanwhile, had sought permission to travel abroad, which permission was allowed vide order dated 25.02.2020. In order to ensure that the petitioner would travel abroad and return to India, he furnished a bank guarantee for an amount of Rs.5 lacs.

Learned counsel for the petitioner herein would contend that the petitioner has returned back to India and has joined investigation with the Investigating Officer.

Learned counsel for the complainant would submit that the entire dowry articles have not been recovered and therefore, the petitioner would not be entitled the grant of anticipatory bail. However, it is well settled principal of law that bail cannot be denied only on the ground that recoveries have not been effected. Reliance in this regard can be placed upon a judgment rendered by this Court in '*Deepak Sharma Vs. State of Punjab and another, CRM-M-45295-2016 decided on 20.02.2018*'.

Learned State counsel, on instructions from ASI Santosh Singh, submits that petitioner has joined the investigation.

In view of the facts that the petitioner has joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 15.11.2019 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.

09.07.2021

ps-I

Whether speaking/reasoned :

Whether Reportable :

(JAISHREE THAKUR)

JUDGE

Yes

No

Yes

No