

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

207

(Through Video Conferencing)

CRM-M-48853-2019

Date of decision: 27.10.2021

Rahul Sharma

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gaurav Partap S. Pathania, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab
for respondent No.1-State.

Mr. Deepak Arora, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The present petition has been filed under Section 438 Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in case FIR No.0118, dated 15.10.2019, under Sections 406 and 498-A of the Indian Penal Code, 1860, registered at Police Station Division No.2, District Pahtankot.

Learned counsel for the petitioner states that pursuant to order dated 16.07.2021, passed by this Court, the petitioner has joined the investigation.

Learned State counsel assisted by learned counsel for the complainant and on instructions from ASI Dilawar Singh, does not dispute the factum of the petitioner having joined the investigation. However, she submits that recovery of some of the gold jewellery has not been effected.

On a pointed query put to the learned State counsel as to what gold jewellery had to be recovered, it has been submitted that a

list of the same had been provided to the police by the complainant after the registration of the FIR in question. She has, however, very fairly admitted that in the FIR, no mention much less the description of the jewellery had been detailed.

Heard.

Mere non-recovery of some gold jewellery (which as noticed above does not find detailed in the FIR in question) could not be a ground to deny the concession of the anticipatory bail to the petitioner.

In the facts and circumstances as enumerated hereinabove, the petition is allowed and interim order dated 16.07.2021, is made absolute subject to the conditions laid down in Section 438(2) Code of Criminal Procedure, 1973.

27.10.2021

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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