

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

CRM-M-50245-2019(O&M)

Date of Decision: 02.09.2021

(Heard through VC)

Gaurav Nagpal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J. S. Thakur, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Arpan Sabharwal, Advocate,
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.63 dated 27.08.2019 under Sections 406 and 498-A IPC registered at Police Station Women Cell, District Jalandhar, Commissionerate.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and on the direction of this Court, has joined the investigation.

At this stage, learned counsel for the complainant submits that the entire dowry articles including gold jewellery have not been recovered from the petitioner during the investigation.

Learned State counsel, on instruction of SI Sandeep Kaur, would submit that petitioner has joined the investigation though the entire dowry articles have not been recovered from the petitioner.

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

The matter has been investigated and the petitioner has joined the investigation. As far as the question of recovery of certain dowry articles is concerned, bail cannot be denied merely on this ground. 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 the 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.

In view of the facts that the matter has been investigated and petitioner has joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 03.03.2020 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 (2) Cr. P. C.

02.09.2021
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(JAISHREE THAKUR)
JUDGE

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