

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

CRM-M-52935-2019(O&M)

Date of Decision: 02.09.2021

(Heard through VC)

Ravinder Garg

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sherry Singla, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. G. S. Bhasin, 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.66 dated 18.11.2019 under Sections 498-A, 406, 354 and 34 IPC registered at Police Station Women Cell, Bhatinda, District Bhatinda.

Learned counsel for the petitioner would contend that the marriage between the petitioner and the complainant was solemnized on 30.08.2018 and it was the second marriage of both the parties. Apart from that, it is stated that on the directions of this Court, the petitioner has joined the investigation and handed over the dowry articles to the Investigating Officer.

Learned State counsel, on instruction of ASI Jagsir Singh, would submit that petitioner has joined the investigation and an amount of Rs.10 lacs and 24 Tola gold jewellery have been recovered from the petitioner.

At this stage, learned counsel for the complainant would submit that the entire dowry articles including clothing are yet to be recovered.

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 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 above narrated facts, without commenting on the merits of the case, the petition is allowed and order dated 27.08.2020 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