

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(207)

CRM-M-6230-2021(O&M)
Date of Decision: 26.07.2022

Tejinder Singh

--Petitioner

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Naresh Gopal Sharma, Advocate for the petitioner.

Ms. Sakshi Bakshi, A.A.G., Punjab.

Respondent no.2 in person with
Mr. Ravi Gakhar, Advocate.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 438 Cr.P.C for grant of pre-arrest bail to the petitioner in FIR No.152 dated 26.11.2020 registered under Sections 406, 498-A IPC at Police Station, Amloh, District Fatehgarh Sahib.

By virtue of the order dated 21.3.2022 while granting interim protection, the petitioner was directed to join investigation.

It has been contended by learned counsel for the petitioner that in pursuance to the order dated 21.3.2022, the petitioner has joined the investigation. Counsel submits that twice the case was referred to the Mediation Centre, however, the proceedings remained unsuccessful.

Learned State counsel has endorsed the same and submitted that petitioner is no more required for further investigation. However, she submits that recovery of gold articles is yet to be effected.

Learned counsel for respondent no.2 has opposed the submissions made by counsel for the petitioner. He submits that during

mediation proceedings petitioner made an offer of Rs.20,000/- and recovery of gold articles is yet to be effected. Counsel for the petitioner submits that as per his resources and means petitioner can afford to give an amount of Rs.3.5 lakh to the respondent no.2, however, complainant, who is present in person has refused the offer made by counsel for petitioner.

As per the law settled, recovery of gold articles alone cannot be a sole ground for rejecting the bail granted. This issue will be tried by the Trial Court.

In view of the above, the order dated 21.3.2022 is made absolute subject to compliance of conditions as envisaged under Section 438(2) Cr.P.C and the petition stands allowed.

(RAJESH BHARDWAJ)
JUDGE

26.07.2022

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