

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

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CRM-M-9282-2021

Date of Decision: 19.01.2022.

Parkash Sharma

...Petitioner.

Versus

State of Punjab and another

...Respondents.

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

Present: Mr. L.M. Gulati, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Vinay Puri, Advocate for the complainant.

Manjari Nehru Kaul, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner, in case FIR No.124, dated 25.12.2020, under Sections 406 and 498-A of IPC, registered at Police Station Phase-8, Mohali, SAS Nagar.

Learned counsel for the petitioner *inter alia* contends that the petitioner is the husband of the complainant and it was on account of temperamental differences between the spouses, the instant FIR came into existence, wherein, false and fabricated allegations were levelled against him by his wife.

Learned counsel further submits that in compliance of the order dated 08th September, 2021, the petitioner had joined investigation and cooperated with the investigating agency.

Learned State counsel on instructions from ASI Amarnath, does not dispute the factum of the petitioner having joined investigation and

cooperated with the investigating agency. She has further submitted that all the dowry articles of the complainant, except a few gold ornaments duly stand recovered during investigation. Learned State counsel on further instructions has submitted that the petitioner is not required for further investigation, much less, for his custodial interrogation.

Learned counsel for the complainant has, however, opposed the prayer made by the counsel opposite by urging that in view of the serious and specific allegations levelled against the petitioner of harassing the complainant and misappropriating her dowry articles.

I have heard learned counsel for the parties and perused the material on record.

Mere non-recovery of certain disputed dowry articles cannot be a ground to decline the concession of anticipatory bail to the petitioner, more so, when as per the instructions received by the learned State counsel, the petitioner is not required for further investigation.

In view of the above, the petition is allowed and interim order dated 08.09.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

19.01.2022.
J.Ram/Komal

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