

**202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-9688-2020
Decided on : 27.01.2022

Sundeep Bath

..... Petitioner

Versus

State of UT, Chandigarh

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Harish Sharma, Advocate
for the petitioner.

Mr. Rajeev Anand, APP
UT, Chandigarh.

Mr. Dinesh Kumar Chaudhary, Advocate
for the complainant.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.162 dated 29.11.2019 under Sections 406/498-A IPC 1860 registered at Police Station Women District UT, Chandigarh.

Learned counsel for the petitioner states that on account of a marital discord between the parties, FIR in question was registered against the petitioner. He further submits that pursuant to order dated 09.11.2021, passed by this Court, the petitioner has joined the investigation and cooperated with the investigating agency. It has also been submitted that whatever gold articles were in the possession of the petitioner, were either taken away by the complainant at the time of leaving the matrimonial home or have been subsequently returned to the investigating agency during investigation.

Learned State counsel assisted by counsel for the complainant does not dispute the factum of the petitioner having joined the investigation. He, however, submits that recovery of two gold rings and earrings have not yet been effected from the possession of the petitioner as also some household articles. Learned State counsel thus prays for the dismissal of the instant petition.

Heard learned counsel for the parties and perused the material available on record.

No doubt, in case the accused does not cooperate with the investigating agency, an adverse inference can be drawn against him. However, the State must spell out as to in what manner the accused has failed to cooperate with the investigating agency. Merely because the recovery of a few disputed dowry articles has not been effected cannot by itself be a ground to deny the concession of anticipatory bail to the petitioner.

The petition is allowed and interim order dated 09.11.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

27.01.2022
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No