

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

217

CRM-M-13269-2022

Date of Decision:19.09.2022

ISHWAR YADAV

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ankur Lal, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Subhash Chander, Advocate for
Ms. P.R. Yadav, Advocate for the complainant.

SUVIR SEHGAL, J.(ORAL)

On 06.04.2022, this Court passed the following order in the main
case:-

“This petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.93 dated 03.03.2022, registered under Sections 323, 406, 498-A and 506 of IPC at Police Station Kasola, District Rewari, Haryana.

Counsel for the petitioner submits that FIR is a fallout of a matrimonial discord between the parties. The allegation levelled against the petitioner are false and the petitioner is ready to return the dowry articles as deposed by him in his affidavit, Annexure A1.

Notice of motion.

On asking of the Court Ms. Mahima Yashpal, DAG, Haryana, accepts notice on behalf of the State-respondent No.1. Ms. Pratibha Yadav, Advocate has appeared and has filed her Vakalatnama on behalf of the complainant-respondent No.2.

List on 19.09.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

On the day the petitioner appears before the Investigating Officer, he will return the dowry articles

as deposed by him in his affidavit, Annexure A-1, to the Investigating Officer, who shall hand over the said articles to the complainant-respondent No.2, in accordance with law.”

Upon instructions from L/ASI Parmila, State counsel submits that the petitioner has joined the investigation and recovery as deposed by the petitioner in his affidavit, Annexure A-1, has been effected. She, however, has instructions to state that some white goods, gold ornaments weighing roughly about 05 *tolas*, few silver coins and a silver ring is yet to be recovered.

Counsel for the petitioner has, however, disputed this fact.

Considering the fact that recovery of dowry articles, which are disputed, cannot be an obstacle in confirming the interim anticipatory bail granted to the petitioner, present petition is allowed and order dated 06.04.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

The petitioner will, however, deposit a sum of Rs.75,000/- with the Area Magistrate within a period of six weeks from today. The amount, if deposited, will be kept in a fixed deposit with a Public Sector Bank for a period of six months with instructions for automatic renewal. The deposited amount alongwith accrued interest will be paid to the party, who is found entitled to the same, at the time of conclusion of the trial.

It is clarified that the deposit of the amount by the petitioner will be without prejudice to his right of defence.

In case the petitioner fails to deposit the amount, the petition shall be treated to have been dismissed and State shall proceed in accordance with law.

19.09.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No