

CRM-M-14745 of 2021

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-14745 of 2021
Date of decision:30.05.2022

Sahib Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vivek Sharma, Advocate
for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Mr. Simranjit Singh, Advocate for
Mr. G.S.Bajwa, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 Cr.P.C seeking grant of anticipatory bail in case FIR No.10 dated 16.02.2021 registered under Sections 498-A, 406 of Indian Penal Code, 1860 at Police Station Women, District Amritsar (Annexure P-1).

Counsel for the petitioner submits that FIR (Annexure P-1) is an outcome of matrimonial dispute.

Vide order dated 05.04.2021, this Court stayed arrest of the petitioner and referred the parties to Mediation and Conciliation Centre of this Court. The petitioner was directed to make payment of Rs.22,000/- as litigation expenses, which has been done. However, the mediation proceedings failed.

Vide order dated 09.05.2022, the petitioner was directed to join investigation and cooperate with the Investigating Agency and in the event of his arrest, he was ordered to be released on interim bail on furnishing personal and surety bonds to the satisfaction of Investigating Officer. He was also ordered to be abide by the conditions laid down in Section 438(2) Cr.P.C.

Upon instructions from ASI Satbeer Singh, State counsel submits that although petitioner has joined investigation and some household articles have been recovered, but recovery of gold ornaments is yet to be effected from him.

Counsel representing the complainant submits that entrustment of gold ornaments weighing 98 grams (approx.) was made to the accused which are to be recovered. This fact has been disputed by the counsel for the petitioner.

Heard counsel for the parties.

In view of the judgments of the Supreme Court in **Rajesh Sharma and others Vs. State of Uttar Pradesh and another (2018) 10 SCC 472** and **Social Action Forum for Manav Adhikar and another Vs. Union of India, Ministry of Law and Justice and others (2018) 10 SCC 443**, non-recovery of dowry articles cannot be a hindrance in confirming the interim bail order.

Accordingly, petition is allowed and the order dated 09.05.2022, whereby, the petitioner has been ordered to be released on

interim bail is ordered to be confirmed subject to the condition that the petitioner will deposit a sum of Rs.3.00 lacs with the Area Magistrate within a period of two months from today. In case, the petitioner makes the deposit, the amount shall be kept in a Fixed Deposit initially for a period of six months with a public sector bank with instructions for automatic renewal. The deposited amount as well as accrued interest shall be paid to the party, who is found to be entitled to the same, subject to the outcome of the trial.

It is made clear that the deposit of the amount will be without prejudice to the right of defence of the petitioner.

Needless to mention, in case the petitioner fails to make the deposit within the above-said period, petition shall be treated to have been dismissed.

May 30, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes