

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(208)

CRM-M-24887-2022
Date of Decision: 30.11.2022

Nikhil Kalia

--Petitioner

Versus

State of Punjab & others

--Respondents

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

Present:- Ms. Eknor Kaur Sara, Advocate for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

Mr. S.S. Thakur, Advocate for the complainant.

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.0038 dated 23.4.2022 registered under Sections 498-A, 406, 323, 34 IPC at Police Station, Haryana, District Hoshiarpur.

By virtue of the order dated 14.9.2022 while granting interim protection, the petitioner was directed to join investigation.

Learned counsel for the petitioner submits that in pursuance to the order dated 14.9.2022 petitioner has joined investigation and also paid the litigation expenses as directed by this court. She submits that parties had duly appeared before the Mediation & Conciliation Centre of this court, however, despite the best efforts of petitioner, parties could not settle the dispute amicably. She submits that the interim order may kindly be made absolute.

Learned counsel for the complainant has opposed the submissions made by counsel for petitioner. He submits that mediation proceedings failed due to the unreasonable behavior of the petitioner. He

further submits that recovery of some of the dowry articles still remains to be effected.

Learned State counsel on instructions from ASI Mohan Chand has endorsed the fact that petitioner has joined investigation. He, however, submits that recovery of some of the dowry articles still remains to be effected.

Recovery of dowry articles alone cannot be a ground to reject the bail. Matter needs to be investigated and tried by the learned Trial Court. In view of the above, the order dated 14.9.2022 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

30.11.2022

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