

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

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**CRM-M-49595-2017 (O&M)
Decided on : 11.02.2022**

Mayank Gupta

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Jagjot Singh, Advocate, for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Sharda Chandel.

Mr. Rajesh Sharma, Advocate, for respondent No.2.

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. 387, dated 15.11.2017, lodged under Sections 498-A, 406 of IPC, registered at Police Station Zirakpur, District SAS Nagar (Mohali), Punjab (annexed as Annexure P-1).

Learned counsel submits that pursuant to order dated 05th December, 2018, passed by this Court, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel assisted by learned counsel for the complainant, does not dispute the factum of the petitioner having joined investigation. He, on further instructions submits that since the petitioner has joined investigation, his further investigation, much less, custodial interrogation is not required.

Besides, learned State counsel while inviting the attention of this Court to the order dated 19th November, 2019, has submitted that the

factum of the petitioner returning the dowry articles and the complainant not accepting the same also stands noticed in that order.

Learned counsel appearing for the complainant has, however, opposed the grant of concession of anticipatory bail to the petitioner by reiterating the allegations of cruelty levelled against the petitioner in the FIR in question. He has further submitted that the dowry articles which were handed-over to the petitioner during investigation were different from the articles, which were given to respondent No.2 (complainant) at the time of marriage.

Heard.

Be that as it may, mere non-recovery of some disputed dowry articles cannot be a ground to decline the concession of anticipatory bail to the petitioner, more so, when he as per instructions received by the learned State counsel, the petitioner has joined investigation, and cooperated with the investigating agency. It needs to be also noticed that the learned State counsel has categorically stated that the petitioner is not required for further investigation, much less, for his custodial interrogation.

In the facts and circumstances, as enumerated hereinabove, the petition is allowed and interim order dated 05th December, 2018, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

Since the main petition has been allowed, therefore, the pending miscellaneous applications also stands disposed off.

(MANJARI NEHRU KAUL)
JUDGE

February 11, 2022

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No