

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

CRM-M-33517-2021
Decided on : 11.01.2022

Rajan Bawa

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.K.Bawa, Advocate
for the petitioner.

Mr. Rehat Bir Singh Mann, DAG, Punjab.

Mr. Gagandeep Singh, 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.52 dated 03.07.2021 under Sections 406, 498-A IPC 1860 registered at Police Station Women District Commissionerate, Amritsar.

Learned counsel for the petitioner states that totally false and fabricated allegations had been levelled against the petitioner of subjecting his wife to physical harassment for not getting dowry as per his expectations and also misappropriating the gold ornaments etc. given to the complainant at the time of their marriage. He further submits that pursuant to order dated 18.08.2021, passed by this Court, the petitioner has joined the investigation.

Learned State counsel assisted by counsel for the complainant on instructions from ASI Balwinder Singh does not dispute the factum of the petitioner having joined the investigation. He, on further instructions states that the petitioner has not been cooperating with the investigating agency inasmuch as one gold chain and a ring still needs to be recovered

from his possession. A prayer has, therefore, been made for the custodial interrogation of the petitioner.

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

The learned State counsel and the counsel for the complainant have failed to bring to the notice of this Court any allegation of demand, much less, entrustment of dowry articles including gold jewellery to the petitioner in the FIR in question. Moreover, mere non-recovery of a few disputed dowry articles cannot be a ground to decline the concession of anticipatory bail to the petitioner as has also been observed by the Hon'ble Supreme Court in case *Writ Petition (Civil) No. 73 of 2015, titled as, "Social Action Forum for Manav Adhikar Vs. Union of India, Ministry of Law and Justice'* decided on 14.09.2018.

Resultantly, the petition is allowed and interim order dated 18.08.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

11.01.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No