

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

201

**CRM-M-29153-2020
Decided on : 22.02.2022**

Raman Kumar

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Ms. Satpreet Grewal Kapila, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Harpreet Singh.

Mr. Gaurav Partap Singh, Advocate
for the complainant.

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. 182, dated 26.08.2020, lodged under Sections 498-A, 406 of IPC, registered at Police Station Division No.2, Pathankot (annexed as Annexure P-1).

Learned counsel for the petitioner *inter alia* contends that the FIR in question came into existence on account of marital discord between the petitioner and his wife i.e. the complainant. Learned counsel submits that totally false and fabricated allegations had been levelled against the petitioner in the FIR in question.

Learned counsel submits that pursuant to order dated 23rd September, 2020, passed by the coordinate Bench of this Court, the petitioner has joined investigation and cooperated with the investigating agency by handing over all the dowry articles, which remained in the possession of the petitioner.

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 the petitioner has joined investigation and handed-over all the dowry articles, therefore, his further investigation, much less, custodial interrogation is not required.

However, learned counsel for the complainant has disputed the submissions made by learned State counsel. He has reiterated the allegations levelled in the FIR in question and submitted that some more dowry articles remain to be recovered from the possession of the petitioner.

I have heard learned counsel for the parties and perused the material on record.

Mere non-recovery of some disputed dowry items cannot be a ground to deny the concession of anticipatory bail to the petitioner, more so, when as also conceded by the State counsel that some dowry articles already stand recovered from the possession of the petitioner. Since, there is no likelihood of the petitioner absconding, the instant petition is allowed and interim order dated 23rd September, 2020, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

February 22, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*