

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

CRM-M-34472-2021
Decided on : 28.02.2022

Varun Khanna

..... Petitioner

Versus

State of Punjab and anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. M.S.Dalal, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Rahul Rampal, 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.73 dated 23.07.2021 under Sections 406, 498-A IPC 1860 registered at Police Station Women Cell District Ludhiana.

Learned counsel for the petitioner states that on account of a marital discord between the parties, FIR in question was registered against the petitioner. He further submits that though earnest efforts were made before the Mediation and Conciliation Centre of this Court for an amicable settlement between the parties, however, it proved to be a futile exercise. He further submits that pursuant to order dated 14.09.2021, passed by this Court, the petitioner has joined the investigation.

Learned State counsel assisted by counsel for the complainant on instructions from ASI Veena Rani does not dispute the factum of the petitioner having joined the investigation. Learned State counsel further submits that during investigation, the recovery of all the articles including

gold ornaments stand effected except one set of gold, which as per the petitioner was taken away by the complainant when she left her matrimonial home. He, on further instructions states that the petitioner is not required for further investigation.

Learned counsel for the complainant, however, submits that recovery of some more dowry articles remain to be effected.

Heard learned counsel for the parties.

Mere non-recovery of some disputed dowry items cannot by itself be a ground for denial of bail, more so, when the State on instructions has apprised the Court that the petitioner is not required for further investigation much less for his custodial interrogation.

In view of the above, the petition is allowed and interim order dated 14.09.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

28.02.2022
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Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No