

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

**CRM-M-35937 of 2021
Date of Decision:-17.01.2022**

SHIVAM @ SHIVAM VERMA

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE MANJARI NEHRU KAUL

(Proceedings conducted through video conferencing)

Present :- Mr. S.P.S. Sidhu, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

MANJARI NEHRU KAUL J.(Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.59 dated 31.07.2021 under Sections 406, 498A IPC registered at Police Station Women Cell, Amritsar.

As per report received from the Mediation and Conciliation Center, the parties failed to amicably settle their dispute.

Learned counsel appearing for the petitioner submits that false allegations of mentally and physical cruelty for not getting dowry as per the expectations of the petitioner had been levelled in the FIR in question. It has been submitted that it was essentially on account of temperamental differences that the complainant was unable to adjust herself in the

matrimonial home and had walked out alongwith her children. Learned counsel further submits that in compliance of order dated 02.9.2021 the petitioner had joined the investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from ASI Dharam Pal does not dispute the factum of the petitioner having joined investigation. He further submits that partial recovery of dowry articles including gold ornaments has been effected from the possession of the petitioner, however, some gold ornaments of the complainant are still in the possession of the petitioner.

Learned counsel for the petitioner, however, has denied being in possession of the same.

I have heard learned counsel for the parties.

Mere non recovery of few disputed dowry articles cannot be sufficient enough ground to decline the concession of anticipatory bail to the petitioner.

In view of the above, the petition is allowed and interim order dated 2.9.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

January 17, 2022
Vijay Asija

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No