

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.213

Case No. : Crl. Misc. No.M-36180 of 2021

Date of Decision : January 11, 2022

Gulab Singh

. . . Petitioner

vs.

State of Haryana

. . . Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

(Through Video Conferencing)

Present : Mr. Abdul Gaffar Khan, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Chander Shekhar Singhal, Advocate
for the complainant.

* * *

MANJARI NEHRU KAUL, J. (Oral) :

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.0091 dated 06.08.2021, under Sections 109, 120-B, 319, 34, 342, 406, 416, 419, 420, 498-A, 506 IPC, registered at Police Station Panjokhra, District Ambala.

As per report received from Mediation and Conciliation Centre of this Court, to which the parties were referred to, the parties failed to arrive at an amicable settlement.

Learned counsel for the petitioner submits that in fact, it was the complainant who had left her matrimonial home without any plausible reasons and thereafter, planted a false case upon the petitioner and his other family members alleging harassment for not bringing dowry as per their expectations.

Learned counsel states that pursuant to order dated 03.09.2021, passed by this Court, the petitioner has joined the investigation and co-operated with the investigating agency.

Learned State counsel, assisted by counsel for the complainant, does not dispute the factum of the petitioner having joined investigation and on instructions from ASI Harpinder Kaur, submits that the petitioner

has co-operated with the investigating agency during investigation and is no longer required for further investigation.

Learned counsel for the complainant has, however, opposed the prayer made by the counsel opposite by urging that the petitioner has not returned the gold jewelery of the complainant and has, in fact, misappropriated the same. He has, thus, prayed for his custodial interrogation.

Learned counsel for the petitioner has vehemently disputed the submissions made by the counsel for the complainant by urging that the complainant, while leaving her matrimonial home, had taken along all her personal belongings including her gold jewelery and he was not in possession of any of her articles.

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

Mere non-recovery of a few disputed dowry articles cannot be a ground to decline the concession of anticipatory bail to the petitioner, more so when it has been submitted by learned State counsel, on instructions, that the petitioner is not required for further investigation, much less for his custodial interrogation.

In view of the above, the instant petition is allowed and interim order dated 03.09.2021 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

January 11, 2022

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**(MANJARI NEHRU KAUL)
JUDGE**

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No</i>