

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(205)

CRM-M-37698-2021
Date of Decision: 23.11.2022

Mrs. Rajni Garg & another

--Petitioners

Versus

State of U.T., Chandigarh & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Lalit Thakur, Advocate for the petitioners.

Mr. Deepinder Brar, APP, U.T., Chandigarh.

Mr. P.K. Kukreja, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 438 Cr.P.C for grant of pre-arrest bail to the petitioner in FIR No.16 dated 15.2.2021 registered under Sections 406, 498-A IPC at Police Station, Women, Sector 17, Chandigarh.

By virtue of the order dated 20.7.2022 while granting interim protection, the petitioners were directed to join investigation.

Learned counsel for the petitioners submits that the loan which was taken at the name of the complainant wife has already been repaid and as on date all the liabilities of the complainant regarding the loans taken have been fulfilled by the petitioners. It is submitted that the dowry articles including the jewellery has also been got recovered by the petitioners and that in pursuance to the order dated 20.7.2022 petitioners have joined investigation and fully cooperated and thus, the interim order may kindly be made absolute.

Learned counsel for the complainant has opposed the submissions made by counsel for petitioners. He submits that though the

liabilities regarding the loan have been discharged by the petitioners, however, recovery of jewellery is yet to be effected. It is submitted that only the mortgaged jewellery has been recovered and rest is yet to be recovered.

Learned State counsel on instructions from ASI Balbir Singh has endorsed the fact that petitioners have joined investigation, however, he has stated that recovery of some of the gold articles is yet to be effected.

It is apparent that petitioners have duly joined investigation and as agreed by both the counsel liabilities of the complainant are no more, however, recovery of some of the gold articles is yet to be effected. Recovery of dowry articles itself cannot be a ground for rejection of the bail.

In view of the above, the order dated 20.7.2022 is made absolute subject to compliance of conditions as envisaged under Section 438(2) Cr.P.C and the petition stands allowed.

(RAJESH BHARDWAJ)
JUDGE

23.11.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No