

Sr. No.215

Ravinder Jit Kaur and another		Petitioner
vs.		
State of U.T., Chandigarh		Respondent

* * *

Learned State counsel, assisted by counsel for the complainant, does not dispute the factum of the petitioners having joined investigation. Learned State counsel as well as the counsel for the complainant, however, submit that some gold ornaments have not yet been recovered from the possession of the petitioners and hence, their custodial interrogation would be required.

Learned counsel for the petitioner, on the other hand, has vehemently controverted the submissions made by the State counsel as well as the counsel for the complainant by drawing the attention of this Court to the FIR in question. He submits that a perusal of the contents of the FIR clearly reveal that there is no allegation of any demand, much less entrustment of any gold ornaments, to the petitioners.

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

Mere non-recovery of a few disputed gold ornaments cannot be a ground to decline the concession of anticipatory bail to the petitioners, as has also been held by the Hon'ble Supreme Court in case ***Writ Petition (Civil) No. 73 of 2015, titled as, "Social Action Forum for Manav Adhikar Vs. Union of India, Ministry of Law and Justice' decided on 14.09.2018.***

The instant 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.

January 11, 2022

monika

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No