

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

224

(Through Video Conferencing)

CRM-M-38268-2021

Date of decision: 19.01.2022

Dr. Gurminder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.P.S. Deol, Sr. Advocate with
Mr. Himmat Singh Deol, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.

Mr. Jasraj Singh, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.167 dated 03.09.2021 under Sections 498-A and 406 IPC registered at Police Station City Hoshiarpur, District Hoshiarpur.

Learned senior counsel for the petitioner submits that though earnest efforts were made to amicably settle all the disputes between the petitioner and his wife i.e. the complainant, however, it failed to yield any positive result. He submits that it was on account of temperamental differences between the parties that the FIR in question came to be registered. He further submits that in compliance of order dated 15.09.2021, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel assisted by learned counsel for the complainant on instructions from SI Paramjit Kaur, does not dispute the

factum of the petitioner having joined investigation. However, they submit that the petitioner has not cooperated in getting the recovery of all the gold jewellery effected.

Learned senior counsel appearing for the petitioner has, however, vehemently opposed the submissions made by the counsel opposite by urging that all the gifts and other dowry articles which were given to the petitioner and the complainant at the time of marriage stand duly returned and he is no longer in possession of any of the complainant's jewellery.

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

Mere non-recovery of some disputed dowry items cannot by itself be a ground for denial of bail as has also been observed 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.*

In the facts and circumstances as enumerated hereinabove, the instant petition is allowed and interim order dated 15.09.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

19.01.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No