

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

226

(Through Video Conferencing)

CRM-M-39621-2021

Date of decision: 19.01.2022

Kuwarpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kanwal Goyal, Advocate
for the petitioner.

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

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.128 dated 12.06.2021 under Sections 498-A, 406 and 506 IPC and Section 4 of the Dowry Prohibition Act, 1967 registered at Police Station City-1, Abohar.

Learned counsel contends that the complainant-wife was unable to adjust in her matrimonial home with her husband i.e., the petitioner due to temperamental differences and only after 18 days of the marriage between the parties, she left her matrimonial home. He submits that it was in this above background, a false and fabricated case has been foisted upon the petitioner and his parents. He submits that the parents of the petitioner have since been extended the concession of anticipatory bail. He further submits that in compliance of order dated 23.09.2021, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from ASI Sat Pal, does not dispute the factum of the petitioner having joined investigation. However, he submits that a few dowry articles have not yet been recovered.

Learned counsel appearing for the petitioner has, however, vehemently opposed the submissions made by the counsel opposite by urging that all dowry articles 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 23.09.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

19.01.2022

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(MANJARI NEHRU KAUL)
JUDGE

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