

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

202

**CRM-M-35865-2020
Decided on : 08.02.2022**

Sumit Kumar Gupta

. . . Petitioner(s)

Versus

State of Punjab and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Aditya Sanghi, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Sukhwinder Singh.

Mr. Anoop Verma, Advocate
for respondent No.2 - 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. 0138, dated 09.05.2020, lodged under Sections 406, 498-A of IPC, registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib (annexed as Annexure P-2).

Learned counsel for the petitioner while inviting the attention of this Court to the allegations levelled in the FIR in question, submits that totally concocted and exaggerated allegations have been levelled by his wife that she was being subjected to cruelty for not getting dowry as per the expectations of her in-laws family. Learned counsel further submits that a perusal of the FIR further reveals that there is no allegation of any specific demand of dowry, much less, entrustment of the same pursuant to such

demands. He also submits that some amount of money, which the complainant has referred to in the FIR was *qua* the expenses incurred by the parties at the time of marriage and hence, it was not pursuant to any demand made by the petitioner or his family that such expenses were incurred by the complainant's family.

Learned counsel further submits that the complainant in order to harass and humiliate the petitioner and his family, had implicated almost all his relatives, however, the investigating agency had found all but him and his parents innocent during investigation.

Learned counsel further submits that his parents, who are similarly situated have since been extended the concession of anticipatory bail by this Court vide order dated 17th October, 2020. It has also been submitted that in compliance of the order dated 04th November, 2020, the petitioner has joined investigation and cooperated with the investigating agency by returning all the articles, which were in his possession after the complainant left her matrimonial home in April, 2020.

Per contra, learned State counsel assisted by learned counsel for the complainant, does not dispute the factum of the petitioner having joined investigation. He, however, on instructions submits that in compliance of the order dated 17th August, 2021, the petitioner has not returned all dowry articles and has returned only Rs. 20,000/- along with a few gold ornaments.

Learned counsel for the petitioner has, however, vehemently disputed *qua* the petitioner being in possession of any more dowry articles including gold jewellery of the complainant.

Learned counsel appearing for the complainant has vehemently

opposed the grant of anticipatory bail to the petitioner by reiterating the allegations levelled in the FIR in question. He has submitted that recovery of all the dowry articles has not been effected from the petitioner and thus, he be denied the extraordinary concession of anticipatory bail.

Heard.

Mere non-recovery of some disputed dowry items cannot be a ground to deny the concession of anticipatory bail to the petitioner, more so, when as also conceded by the State counsel that some dowry articles including gold ornaments already stand recovered from the possession of the petitioner. Since, there is no likelihood of the petitioner absconding, the instant petition is allowed and interim order dated 04th November, 2020, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

February 08, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*