

**202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-37557-2019
Decided on : 31.01.2022

Karandeep

..... Petitioner

Versus

UT Chandigarh

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Arif Qureshi, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. PP
UT, Chandigarh.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.44 dated 25.02.2019 under Sections 406 and 498-A IPC 1860 registered at Police Station Women Cell District UT, Chandigarh.

Learned counsel for the petitioner states that on account of a marital discord between the parties, FIR in question was registered against the petitioner. He further submits that though earnest efforts were made before the Mediation and Conciliation Centre of this Court for an amicable settlement between the parties, however, it proved to be a futile exercise. He further submits that pursuant to order dated 16.12.2019, passed by this Court, the petitioner has joined the investigation and cooperated with the investigating agency. It has also been submitted that the petitioner is no longer in possession of any dowry belonging to the complainant-wife.

Learned State counsel does not dispute the factum of the petitioner having joined the investigation. He, however, submits that the petitioner has not cooperated with the investigating agency as he has failed

to get the recovery of the dowry articles effected and hence, his custodial interrogation would be required by the Investigating Agency.

A query was put to the State counsel to show from the contents of the FIR as to what was the specific demand made and thereafter entrustment of dowry to the petitioner. However, learned State counsel has failed to bring to the notice of this Court any such specific demand, much less, entrustment, which may find reflected in the FIR in question. While drawing the attention of this Court to the FIR, learned State counsel submits that there were allegations levelled that after the marriage, the petitioner had demanded various sums of money from the brother of the complainant for his business, however, the State counsel failed to show from the FIR, any entrustment of the aforementioned sum of money to the petitioner.

Heard learned counsel for the parties and perused the material available on record.

The learned State counsel has failed to satisfy this Court as to why the custodial interrogation of the petitioner would be required, when admittedly, he has joined investigation. Mere non-recovery of disputed dowry articles cannot be a ground to decline the concession of anticipatory bail to the petitioner.

In view of the above, the petition is allowed and interim order dated 16.12.2019, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

31.01.2022
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No