

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM-M-39453-2019-
Date of decision:- 01.12.2022

Geeta and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Virender Soni, Advocate for the petitioners.

Mr. Aman Dhir, DAG, Punjab for State-respondent No.1.

Mr. Rishu Mahajan, Advocate for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.50 dated 04.07.2019, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station Division No.1, Pathankot, District Pathankot, Annexure P-1.

Counsel for the petitioners submits that FIR, Annexure P-1, is a fallout of a matrimonial dispute and in compliance of order dated 17.09.2019 passed by this Court, petitioners, who are the parents-in-law and husband of complainant-respondent No.2, have joined the investigation.

This fact has been confirmed by the State counsel upon instructions received from ASI, Kuldeep Raj, though he submits that the dowry articles have not been recovered.

Counsel for the complainant has submitted that there is an allegation of misappropriation of an amount of Rs.7 lacs, which was transferred to the bank account of the petitioner No.1.

To counter the submission, counsel for the petitioners submits that

the allegation is false, but in order to show their bonafide, petitioners have deposited Rs.5 lacs with the Area Magistrate.

Heard counsel for the parties.

Non-recovery of dowry money, which is disputed, cannot be a obstace in confirming the interim bail granted to the petitioners as has been held by the Supreme Court in *Social Action Forum for Manav Adhikar and another Versus Union of India Ministry of Law and Justice and others, 2018 (4), R.C.R. (Criminal) 226*.

In view of the above, without examining the merits of the case, order dated 17.09.2019 passed by this Court is made absolute, subject to compliance of the conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

Petition is allowed

Amount of Rs.5 lacs deposited by the petitioners with the Area Magistrate shall be kept in a Fixed Deposit with a Public Sector Bank for a period of six months with instructions for automatic renewal. The deposited amount along with interest accrued thereon, will be paid to the party, who is found entitled to the same, on the conclusion of the trial.

The deposit of the amount by the petitioners will not prejudice their rights of defence.

(SUVIR SEHGAL)
JUDGE

01.12.2022

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No