

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

220

CRM-M-50358-2021

Date of Decision:06.09.2022

VIVEK SHARMA

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Gaurav Sharma, Advocate for the petitioner.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab.

Mr. Tarun Sharma, Advocate for
Mr. R.S. Bajaj, Advocate for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

Vide the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.80 dated 05.10.2021, Annexure P-1, registered under Sections 406 and 498-A of IPC, 1860, at Police Station Women Commissionerate, Amritsar, District Amritsar.

Reply by way of an affidavit of Assistant Commissioner of Police, Cyber Crime & Forensics, Amritsar additional charge of Crime Against Women & Children, Amritsar City has been filed on behalf of respondent No.1-State, which is taken on record.

FIR, Annexure P-1, is an outcome of a matrimonial dispute.

While issuing notice of motion, this Court vide order dated 09.12.2021, granted interim bail to the petitioner and directed him to join investigation. By a subsequent order, the parties were referred to the Mediation and Conciliation Centre of this Court, but the mediation proceedings did not succeed.

Upon instructions, learned State Counsel submits that the some gold articles have been recovered during investigation, but three items of gold are still in possession of the petitioner.

Counsel for the petitioner has disputed this fact and has submitted that these items are in the possession of the complainant. Counsel for the complainant has submitted that worth of these items is Rs.1.65 lakhs.

Be that as it may, this Court is of the view that non-recovery of the dowry articles, which are disputed, cannot be a hindrance in confirming the interim bail granted to the petitioner, however, interest of both the parties can be secured by directing the petitioner to deposit a certain amount.

In view of the above, without commenting upon the allegations levelled in the FIR, present petition is allowed and order dated 09.12.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

Petitioner is directed to deposit an amount of Rs.80,000/- with the Area Magistrate within a period of two months, which upon deposit 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 alongwith accrued interest will be paid to the party, who is found entitled to the same, at the time of conclusion of the trial.

It is clarified that the deposit of the amount by the petitioner will be without prejudice to his right of defence. It is still further clarified, that in case, the amount is not deposited within the aforesaid period, this petition will be treated to have been dismissed and State shall proceed in accordance with law.

Recovered articles be returned by the Investigating Officer to the complainant in accordance with law.

06.09.2022
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(SUVIR SEHGAL)
JUDGE

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