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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40876-2019

Date of Decision: 17.01.2022

Sadiq KhanPetitioner

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

...
(through video conferencing)

Present: Mr.Satbir Gill, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Mohd. Salim, Advocate
for the complainant.

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MANJARI NEHRU KAUL, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.499 dated 21.09.2016 under Sections 323, 498-A, 503, 506, 120-B IPC (Section 25 of the Arms Act now deleted) registered at Police Station Punhana, District Mewat, Nuh.

Learned counsel for the petitioner submits that it was on account of a matrimonial dispute between the parties the FIR in question came into existence and totally false and fabricated allegations stood levelled against the petitioner in the said FIR. He further submits that in compliance of order dated 09th September, 2021, the petitioner had joined investigation and cooperated with the investigating agency. Therefore, the present petition be allowed.

Learned counsel for the State, on instructions from HC Sumer, does

and dispute the factum of the petitioner having joined investigation and cooperated

with the investigating agency. She also submits that whatever dowry articles were in his possession stood duly recovered.

Learned counsel for the complainant has, however, opposed the prayer for grant of bail to the petitioner by urging that the dowry articles continued to be in the possession of the petitioner and, hence, he may not be extended the extraordinary concession of anticipatory bail. Learned counsel submits that there were specific allegations levelled in the FIR that the petitioner had subjected the complainant to physical assault also.

I have heard learned counsel for the parties and perused the material on record.

Mere non-recovery of a few disputed dowry articles cannot be a ground to decline the extraordinary concession of anticipatory bail to the petitioner. Thus, in the wake of the statement made by the learned State counsel, the instant petition is allowed and order dated 09th September, 2021 is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

17.01.2022
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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No