

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-54690 of 2021
Date of decision:05.09.2022

Deepak Dahiya

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Balkar Singh, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Ms. Priya Singla, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 09.02.2022, this Court passed the following order in the
main case:-

*“Instant petition has been filed under Section 438 of the
Code of Criminal Procedure, 1973 for grant of anticipatory
bail in FIR No.562 dated 13.12.2021, registered for offences
under Sections 323, 406, 498-A, 506 and 34 of the Indian
Penal Code, 1860, at Police Station Industrial Sector 29,
Panipat, District Panipat.*

*Counsel for the petitioner submits that the marriage of
the petitioner was solemnized with the complainant-respondent
No.2 on 16.04.2013 and the reason for differences and the*

consequent registration of the FIR is that the petitioner wants to keep his 86 years old grand-mother with him, which is not acceptable to the complainant. Counsel has filed an affidavit dated 07.02.2022 of the petitioner, in compliance of order dated 17.01.2022 passed by this Court, which is taken on record, wherein it has been deposed that the petitioner is willing to return the articles allegedly entrusted to accused. The relevant extract thereof is as under:

“2. That in pursuance of the previous order dated 17.01.2022 passed by this Hon'ble Court, Deponent is filing the present affidavit that Deponent is ready to return all the dowry articles as mentioned in the list i.e. Sofa Set, Washing Machine, Almirah, Large Trunk, Cooler, Utensil rack, Double Bed, Fridge, 101 Utensils, Watch of boy amt. Rs.70,000/-, TV, Table, Sewing Machine, Dining Table, Juicer Machine, Press and Rai. Gold Ornaments - Gold ring of complainant, Gold ring of boy, Gold chain of boy, Gold earrings of girl, Gold Mangalsutra of girl, Silver Anklets of Girls and Gold earrings of Grand Mother-in-Law.”

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of the State-respondent No.1. Upon instructions from L/SI, Yogesh,

she submits that besides the petitioner, his grand-mother is also an accused, who has been granted anticipatory bail by the Ld. Additional Sessions Judge, Panipat.

List on 22.04.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

Upon joining the petitioner will return the articles mentioned by him in his affidavit dated 07.02.2022, without prejudice to his right of defence.”

Counsel for the petitioner submits that petitioner has joined the investigation and has returned the articles as deposed by him his affidavit.

Status report by way of an affidavit of Deputy Superintendent of Police, Crime Against Women, Panipat has been filed on behalf of respondent No.1-State, which is taken on record.

Upon instructions from SI Yogesh, State counsel submits that most the dowry articles have been recovered, but some minor items are still in the possession of the petitioner.

This fact has been disputed by counsel for the petitioner.

Counsel for the complainant-respondent No.2, however, submits that gold ornaments are in the possession of the petitioner.

State counsel submits that some gold ornaments belonging to the couple were mortgaged by them with a private finance company.

In view of the above, this Court is of the opinion that recovery of some articles, which are disputed, cannot be a hindrance in confirmation of interim bail order.

In view of the above facts, but without commenting on the merits of the case, present petition is allowed and order dated 09.02.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

September 05, 2022

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>