

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

201

(Through Video Conferencing)

CRM-M-48822-2019

Date of decision: 02.02.2022

Sanjiv Ajmani

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sanjay Jain, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for respondent No.1-State.

Mr. Anshul Gupta, Advocate
for respondent No.2-complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.116 dated 23.09.2019 under Sections 406 and 498-A IPC , registered at Police Station Women Cell, Ludhiana.

Learned counsel for the petitioner submits that the petitioner is working as a small time clerk in the Income Tax Department and hence he is not in a position to give Rs.9 lakhs by way of demand draft to respondent No.2-complainant in compliance of order dated 03.03.2020 of a Coordinate Bench of this Court. Learned counsel submits that in fact the allegations levelled of misappropriation of 23 *tolas* of gold which was given to the complainant at the time of marriage is not supported by any material on record as the complainant has failed to produce any bills. Learned counsel further submits that

whatever dowry articles including jewellery which was in his possession stood duly returned and all other articles had been taken away by the complainant herself. He further submits that though earnest efforts were made by him to amicably settle the dispute with the complainant before the Mediation and Conciliation Center, however, it proved to be a futile exercise. Learned counsel submits that in compliance of order dated 18.11.2019, the petitioner has joined investigation and cooperated with the investigating agency, hence, the order be made absolute.

Learned State counsel, assisted by learned counsel for respondent No.2-complainant, does not dispute the factum of the petitioner having joined investigation. Learned State counsel on instructions from ASI Joginder Singh, submits that though certain bills pertaining to the gold jewellery were indeed given by respondent No.2-complainant during investigation and verified, however, the petition denied being in possession of the same. Learned State counsel submits that other than the recovery of gold ornaments, the petitioner is not required for further investigation much less for his custodial interrogation.

Learned counsel for the complainant has, however, vehemently opposed the grant of anticipatory bail to the petitioner by reiterating the allegations levelled against him in the FIR in question. He further submits that since the petitioner has refused to hand over 23 *tolas* of gold given at the time of marriage, he be not extended the concession of anticipatory bail.

I have heard learned counsel for the parties and perused the

material on record.

An attempt was made by this Court to get the dispute between the parties amicably settled, however, it did not yield any positive result. Considering the instructions received by the State counsel that the petitioner had joined investigation and had returned substantial amount of dowry articles other than 23 *tolas* of gold this Court deems it fit to make order dated 18.11.2019 absolute.

In view of the above, the petition is allowed and interim order dated 18.11.2019, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

02.02.2022

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No