

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

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CRM-M-1227-2022 (O&M)
Date of Decision: 17.01.2023

Parveen Kumar Mor

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Ashwani Talwar, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Raman Chawla, Advocate
for the complainant.

JAGMOHAN BANSAL, J. (Oral)

On 22.08.2022, the following order was passed ;

*“Report has been received from the
Mediation and Conciliation Centre of this Court
that mediation proceedings did not fructify.*

*Counsel for the petitioner has invited the
attention of the Court to order dated 17.01.2022
passed by this Court.*

List on 17.01.2023.

*Meanwhile, the petitioner shall join the
investigation on 30.08.2022 at Police Station
Loharu, District Bhiwani at 11.00 am and
cooperate with the Investigating Agency. In the
event of arrest, he will be released on interim bail
on his furnishing personal and surety bonds to the
satisfaction of the Investigating Officer/Arresting
Officer subject to the conditions as envisaged in*

Section 438 (2) of the Code of Criminal Procedure.”

Learned counsel for the petitioner submits that in compliance of order of this Court, the petitioner has joined investigation on 30.08.2022 as well as thereafter, as directed by Investigating Officer. The petitioner has already handed over all the dowry articles and he has further ready to pay a sum of Rs.5,00,000/- towards car which was purchased at the time of marriage. The matter was referred to Mediation and Conciliation Centre of this Court, however, the matter could not be compromised between the parties.

Learned State counsel does not dispute the fact that the petitioner has joined investigation, however, she submits that the petitioner has not returned entire articles as claimed by the complainant. She further submits that the petitioner may be directed to be present before Investigating Officer as and when required for voice sample.

Learned counsel for the complainant expressed his inability to accept a sum of Rs.5,00,000/- with respect to car which was purchased at the time of marriage. He further submits that the complainant has received partial gold articles.

The petitioner has admittedly joined the investigation on 30.08.2022 and only contention of the State as well as counsel for the complainant is that partial recovery of istridhan is still pending. The Hon'ble Supreme Court in *Arnesh Kumar V. State of Bihar (2014) 8 SCC 273* as well as *Social Action Reform Forum For Manav Adhikar and Anr. Vs. Union of India and others (2018) 10 SCC 443* has held that bail cannot be denied on the ground of recovery of dowry articles.

In view of the fact that the petitioner has joined the investigation, the petition is allowed and the interim bail granted to the petitioner vide order dated 22.08.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove construed shall be construed as expression of opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

17.01.2023
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>