

204

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5888-2022

Date of Decision:21.04.2023

JAGJIT SINGH

..... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Hitesh Verma, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana
assisted by S.I. Ram Singh.

Mr. Aditya Sanghi, Advocate
for respondent No/.2

JAGMOHAN BANSAL, J. (Oral)

This Court passed the following order on 18.02.2022:

“Heard through video conferencing.

CRM No.4794 of 2022

Application is allowed as prayed for.

Exemption as sought, is granted.

CRM No.5619 of 2022

Application is allowed as prayed for.

*Additional affidavit dated 14.02.2022 of the
applicant-petitioner is taken on record as Annexure
P-9.*

CRM-M-5888 of 2022

*Instant petition has been filed under Section
438 Cr.P.C seeking grant of anticipatory bail to the
petitioner in case FIR No.492 dated 02.12.2021
registered under Sections 323, 406, 498-A, 506 of
Indian Penal Code, 1860 at Police Station Civil Lines*

Sirsa, District Sirsa (Annexure P-1). Counsel for the petitioner contends that petitioner was married to the complainant-respondent No.2 on 26.01.2012 and the present FIR has been registered after more than 09 years of marriage on false allegations of alleged harassment, ill-treatment and misappropriation of dowry articles. He contends that the complainant had earlier submitted a complaint before the police authorities at Faridkot and after enquiry, it was found that accusations were baseless and thereafter, the present FIR has been lodged at Sirsa on the same set of allegations. Counsel submits that without admitting the allegations levelled in the FIR, the petitioner is ready to return the articles mentioned in the affidavit dated 14.02.2022 (Annexure P-9) and for the said purpose, he is willing to join the investigation and cooperate with the investigating agency. Counsel submits that the petitioner will bear the travelling and litigation expenses of Rs.35,000/- on behalf of the complainant-respondent No.2. Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of respondent No.1- State. Respondent No.2 be served for 03.08.2022.

On the day of appearance of respondent No.2 before this Court, petitioner will pay her a sum of Rs.35,000/- as litigation and travelling expenses.

The petitioner shall join the investigation on 07.03.2022 at 11.00 a.m. at Police Station Civil Lines Sirsa, District Sirsa and in the event of his arrest, he will be released on interim bail on furnishing of personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. On the day of his

appearance before the Investigating Officer, the petitioner will return all the articles, details of which have been given by him in the affidavit (Annexure P-9).

Upon recovery of the articles, the same will be returned to the complainant-respondent No.2 by the Investigating Officer.”

The parties appeared before the Mediation and Conciliation Centre of this Court, however, mediation could not be fructified.

Learned State counsel submits that petitioner has joined investigation, however, he has got effected partial recovery of dowry articles.

Learned counsel for the complainant submits that it is not possible for the complainant to join company of the petitioner and she wants to make full and final settlement. He further submits that petitioner has returned partial dowry articles.

Learned counsel for the petitioner submits that complainant is staying in the house owned by father of the petitioner and petitioner at present is residing in a rented accommodation. The gold articles given to respondent at the time of marriage as well thereafter are already in the custody of the respondent and he has already returned all gold and other articles which were in his possession.

In the case in hand, the petitioner has admittedly joined the investigation 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 Vs. 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 above, the petition is allowed and the interim protection granted to the petitioner vide order dated 18.02.2022 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 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

21.04.2023
Ali

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