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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11281-2022

Date of Decision:- 12.05.2023

Amit Kumar

...Petitioner

Vs.

State of Punjab and Another

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Kunwarbir Singh, Assistant A.G. Punjab.

Mr. Vaibhav Sehgal, Advocate
for the respondent No. 2.

AMARJOT BHATTI, J. (Oral)

The petitioner – Amit Kumar has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 0141 dated 20.11.2021, under Section 406, 498-A of IPC, registered at Police Station Women, Ludhiana.

The facts of the case are that the complainant – Kamni Kanojia gave her statement to the police that her marriage was solemnized with Amit Kumar Talwar by her mother. The marriage took place on 29.11.2017. Her mother had satisfied all the demands as raised by her in-laws family. After marriage, all her gold ornaments were snatched and she was given beating. She was ill treated in the matrimonial home in order to compel her

to bring more dowry from her mother. She also suffered miscarriage and her husband used to send her to her mother's place for treatment. On 05.05.2020 at about 09:00 A.M. four persons came to the house of her mother. They abused and threatened them. With these allegations, present FIR has been registered. Later on, the supplementary statement of complainant was also recorded on 08.12.2021.

Learned counsel for the petitioner argued that all the allegations levelled against him are false. He has already joined the investigation and handed over the dowry articles to the police. He is still ready to abide by the terms of bail order. Therefore, the *ad interim* bail already granted in his favour may be confirmed.

The bail application is opposed by learned counsel representing the State as well as learned counsel for the complainant. It is confirmed that petitioner has joined the investigation on 08.12.2021 and 10.09.2022 and a recovery memo is also produced vide which the dowry articles were recovered. However, the learned counsel for the complainant pointed out that gold ornaments are yet to be recovered.

I have considered the arguments and have gone through the record carefully. As referred above, the petitioner has already joined the investigation twice and in pursuance of this, the dowry articles are also recovered vide recovery memo dated 08.12.2021. The complainant has referred regarding the recovery of gold ornaments. The entrustment and misappropriation of gold ornaments belonging to the complainant is matter of trial. As for now the petitioner has already joined the investigation. Therefore, considering these facts, the *ad interim* already granted in favour of petitioner – Amit Kumar vide order dated 31.08.2022 stands confirmed, subject to the conditions enshrined under Section 438(2) Cr.P.C.

The petition is accordingly, accepted.

12.05.2023
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(AMARJOT BHATTI)
JUDGE

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