

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M No.12374 of 2023
Date of Decision: 16.11.2023

Piyush Dhami

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Preetinder S.Ahluwalia Advocate,
for the petitioner.

Ms. Himani Arora, AAG, Punjab,
for the respondent-State.

Mr. Tarunveer Vashist, Advocate,
for the complainant.

MANISHA BATRA, J.

1. Through the instant petition under Section 438 of Code of Criminal Procedure, the petitioner seeks anticipatory bail in case FIR No.04, dated 22.01.2023, registered under Sections 406 and 498-A of IPC, at Police Station Women, District Patiala (Annexure P-1).

2. As per the report received from the Mediation & Conciliation Centre, the parties could not arrive at an amicable settlement. Vide order dated 29.08.2023, the petitioner was directed to join the investigation of this case on 11.09.2023.

3. Today, the learned State counsel has stated that the petitioner has so joined the investigation. However, it is also submitted by learned State counsel as well as learned counsel for the complainant that recovery of some of the dowry articles could not be effected at the instance of the

Neutral Citation No.2023:PHHC:145888

petitioner.

4. Learned counsel for the petitioner, on the other hand, has submitted that nothing remains to be recovered from the petitioner. Mere non-recovery of some disputed dowry articles cannot by itself be a ground for denial of the bail as has also been observed by Hon'ble Supreme Court in case **Writ Petition (Civil) No.73 of 2015**, titled as '**Social Action Forum for Manav Adhikar v. Union of India, Ministry of Law and Justice**' decided on 14.09.2018 and by Delhi High Court in **Pooran Singh v. State of Delhi**, 2022 (1) R.C.R. (Criminal) 503 wherein it was held that recovery of istridhan/dowry was no ground to arrest a person under Section 498-A of IPC. The custodial interrogation of the petitioner is no more required. No useful purpose would be served by detaining him in custody.

5. In such circumstances, but without meaning to make any comment on the merits of the case, it is held that the petition deserves to be allowed. Accordingly, the same is allowed, the order dated 29.08.2023 granting interim bail to the petitioner is made absolute subject to conditions laid down in Section 438 (2) of Cr.P.C.

16.11.2023

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No