

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 205

Criminal Miscellaenous No.M-20937 of 2022

Date of Decision: April 19, 2023

Naveen Chadha

..... PETITIONER(S)

VERSUS

State of Haryana

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

. . .

PRESENT: - Mr. Rahul Bhargava, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Ms. Promila Nain, Advocate and
Ms. Harveen Mehta, Advocate for the complainant.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition for grant of pre-arrest bail to the petitioner in case FIR No.70 dated 03.04.2022, under Sections 498-A, 406, 323, 328, 377, 506 and 511 of IPC, 1860, registered at Police Station Sector-20, Panchkula.

2. It is contended by learned counsel for the petitioner that it was a second marriage both for the petitioner as well as the complainant, who are well educated. The petitioner had two children from her previous marriage, aged about 21 years and 18 years. Differences between the two cropped up leading to lodging of FIR in question. Mediation between them has also failed.

3. Learned State counsel, on instructions from ASI Maljinder, contends that pursuant to the interim orders passed by this Court, the petitioner has joined the investigation three times. Recovery of alleged dowry articles, i.e., car, gold chain, gold ring, 1 gold set, 1 gold chain, 1 ear

tops, 4 gold bangles, clothes and ₹ 30,000 in cash have been recovered. Besides, two mobile phones of the petitioner have also been taken in custody and have been sent for forensic examination. She, however, opposes grant of pre-arrest bail to the petitioner as the remaining articles are still to be recovered.

4. Learned counsel for the complainant submits that certain articles are yet to be recovered, and the articles statedly recovered have also not been handed over to them so far. The petitioner used to maltreat the complainant and torture her. There are serious allegations of unnatural sex against him also. Therefore, he should not be granted the concession of bail.

5. Submissions made by learned counsel for the parties have been considered. The petitioner has already joined the investigation and recovery has also been effected from him. Merely because certain alleged articles of dowry are still to be recovered, is no ground to seek his custody. Entrustment of the said articles as dowry is a fact still to be established during trial, so is the case with regard to other allegations.

6. In view thereof, petition stands allowed and the interim bail granted to the petitioner vide order dated 22.07.2022, is made absolute.

(Tribhuvan Dahiya)
Judge

April 19, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No