

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M No.23868 of 2023
Date of decision: 18.12.2023

MANJIT SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Amitoj Singh, Advocate for
Mr. Aminder Singh, Advocate for the petitioner.

Ms. Himani Arora, A.A.G, Punjab.

MANISHA BATRA, J. (oral)

1. Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.70, dated 19.04.2023, registered under Sections 498-A and 323 of Indian Penal Code, 1860 Section 4 of Dowry Prohibition Act, 1961 (Section 406 of IPC added vide order dated 02.11.2023 passed by this Court), at Police Station City Sangrur, District Sangrur.
2. Vide order dated 11.05.2023 passed by this Court, the petitioner was also released on interim bail and had been directed to join investigation.
3. Learned State counsel filed, on instructions from ASI-Hakam Singh has submitted that though the petitioner has joined the investigation, but some dowry articles could not be recovered at the instance of the petitioner and the petitioner is not cooperating with the investigating agency to that extent. However, he has not submitted as to in what manner, the cooperation had not been extended by the petitioner. Mere non recovery of some disputed dowry articles, cannot by itself be a ground for denial of bail as has also been observed by the Hon'ble Supreme Court in case ***Writ Petition (Civil) No.73 of 2015***,

titled as **‘Social Action Forum for Manav Adhikar Vs. Union of India, Ministry of Law and Justice’** decided on 14.09.2018.

4. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 11.05.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

18.12.2023
Jyoti-IV

(MANISHA BATRA)
JUDGE

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