

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36104-2023

Date of Decision :14.11.2023

Kunal Sharma

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Labh Singh Sandhu, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. S.S. Sarwara, Advocate for the complainant.

MANISHA BATRA, J. (ORAL)

Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.54 dated 13.06.2023 registered under Sections 406, 498-A IPC at Police Station Sadar Rajpura, District Patiala.

As per the report sent by the Mediation and Conciliation Centre, the mediation proceedings did not remain fruitful.

Vide order dated 27.07.2023 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.

Learned State counsel submits that the petitioner has joined investigation in pursuance of order dated 27.07.2023 and he is not required for custodial interrogation. He further submits that as per the instructions received by him, some dowry articles are yet to be recovered.

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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.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 27.07.2023 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.

(MANISHA BATRA)
JUDGE

November 14, 2023

ps

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