

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

214

CRM-M-43547-2022

Date of Decision: 27.02.2023

Ravinder

...Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Daljeet Singh Virk, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana
(assisted by L/ASI Sunita)Mr. Rajinder Partap Singh Jammu, Advocate for
Mr. P.S. Jammu, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (ORAL)

On 27.09.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.198 dated 30.06.2022, registered for offences under Sections 323, 354-A (1) (i), 354- B, 506, 34, IPC, however Sections 406, 498-A, IPC, were added, later on, at Police Station Nathusari Chopta, District Sirsa, Annexure P-1.

By referring to para 2 of the affidavit dated 22.09.2022, counsel for the petitioner submits that the petitioner, who is the husband of complainant-respondent No.2, is ready to return the articles mentioned therein.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana and Mr. Paramjit Singh Jammu, Advocate accept notice on behalf of Staterespondent No.1 and complainant-respondent No.2, respectively.

State is directed to file a status report particularly dealing with injuries allegedly suffered by complainant-respondent No.2.

List on 01.11.2022.

In the meanwhile, arrest of the petitioner shall remain stayed till the next date.

Petitioner shall appear before the Investigating Officer on 10.10.2022 at 10.00 and return the dowry articles as stated by him in his affidavit dated 22.09.2022. This will be without prejudice to his right of defence.

It is also clarified that the joining of investigation by the petitioner will not vest any right to him.”

Learned counsel for the private respondent submits that recovery of articles is yet to be effected.

Learned State counsel, on instructions from L/ASI Sunita, submits that petitioner has joined investigation and articles as disclosed in Para 12 and 13 of reply dated 29.10.2022 stand recovered, however, few articles as disclosed by the complainant are yet to be recovered.

It is settled proposition of law that anticipatory bail cannot be declined on the sole ground of recovery of alleged dowry articles.

In view of the above, the petition is allowed and the interim protection granted to the petitioner vide order dated 27.09.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

27.02.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>