

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53014-2023 (O&M)
Date of decision-15.11.2023

Abdul Khan

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ghulam Nabi Malik, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

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.49, dated 02.09.2023, registered under Sections 498-A and 406 of Indian Penal Code, 1860, at Police Station Smalsar, District Moga.

Vide order dated 18.10.2023 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.

Learned State counsel filed status report dated 15.11.2023. The same is taken on record. The learned State counsel 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.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 18.10.2023 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.

15.11.2023

geeta

Whether speaking/reasoned :

Whether Reportable :

(MANISHA BATRA)

JUDGE

Yes

No

Yes

No