

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

207

CRM-M No.2535 of 2023  
Date of decision: 03.05.2024

GAGANJOT SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Mohit Sadana, Advocate for the petitioner  
(through video conferencing).  
Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

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MANISHA BATRA, J. (oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case in DDR No.13 dated 14.12.2022 registered under Section 498-A of IPC arising out of FIR No. 117, dated 05.10.2022 registered under 325, 323, 506, 427 and 34 of IPC (Section 406 of IPC added later on) at Police Station Sadar, Sangrur.
2. Vide order dated 17.01.2023, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 17.01.2023, passed by this Court, reads as under:-

*“Learned counsel for the complainant filed power of attorney which is taken on record.*

*The petitioner Gaganjot Singh has filed anticipatory bail in DDR No.13, dated 14.12.2022 under Section 498-A arising out of FIR No. 117 dated 05.10.2022 under Sections 325, 323, 506, 427 and 34 of IPC registered at Police Station Sadar, Sangrur.*

*Learned counsel for the petitioner argued that there are temperamental differences between husband and wife. The bail of co- accused in the main FIR is pending before the Coordinate Bench where the parties are inclined to effect compromise. This fact is not disputed by the learned counsel for the complainant. No*

*recovery is to be effected. The petitioner is ready to join the investigation.*

*Considering the aforesaid facts, the arrest of the petitioner is stayed till next date subject to the petitioner joining investigation.*

*Adjourned to 15.03.2023.*

*Status report be filed by the respondent- State by the adjourned date.”*

3. Learned State counsel has submitted that though the petitioner has again joined the investigation on 08.03.2024, recovery of 10 tola gold is yet to be effected from the petitioner and the petitioner is not cooperating with the investigating agency to that extent whereas, learned counsel for the petitioner has submitted that all the *istridhan* belonging to the complainant had been taken by her. However, learned State counsel 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 Delhi High Court in case titled as ‘*Jagdish Thakkar vs. State of Delhi*’, 1992 (3) CCR 2764’ and in case titled as ‘*Pooran Singh vs. State of Delhi*’, 2022(1) RCR (Criminal) 503.

4. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 17.01.2023 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.

03.05.2024

Jyoti-IV

(MANISHA BATRA)  
JUDGE

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