

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M No.2859 of 2024
Date of decision: 19.03.2024

MOHAMMAD SHEHZAD Petitioner
Versus
STATE OF PUNJAB Respondent

CORAM: HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mohd. Jameel, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

Mr. Abhishek Singla, Advocate for the complainant.

MANISHA BATRA, J. (oral)

1. The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
27	21.11.2023	Women Police Station, Malerkotla, District Malerkotla	406 and 498-A of IPC

2. Vide order dated 19.01.2024 passed by this Court, the matter was referred to Mediation and Conciliation Centre of this Court for amicable settlement of the dispute between the parties and the petitioner was also released on interim bail and was directed to join investigation.

3. As per report received from Mediation and Conciliation Centre of this Court, the dispute between the parties could not be settled.

4. Learned State counsel has submitted that though the petitioner has joined the investigation on 23.01.2024, but some dowry articles and one

car 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 Delhi High Court in case titled '*Jagdish Thakkar vs. State of Delhi, 1992 (3) CCR 2764, Pooran Singh vs. State of Delhi, 2022(1) RCR (Criminal) 503* as well as by Hon'ble Supreme Court in case titled as *Social Action Forum for Manav Adhikar Vs. UOI (SC) 2018 (4) RCR (Criminal) 226*.

5. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 19.01.2024 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.

19.03.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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