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Neutral Citation No. 2024:PHHC:008979

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

CRM-M-4431-2023

Date of decision: 23rd January, 2024

Padamjit Kaur

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. N.S. Sidhu, Advocate for the petitioner.
Mr. Parneet Singh Pandher, AAG, Punjab.
Mr. H.S. Dhinda, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks pre-arrest bail in case FIR No. 02, dated 05.01.2023 registered under Sections 325, 406 and 498-A of Indian Penal Code, 1860, at Police Station City Kharar, District SAS Nagar.

2. Vide order dated 27.01.2023 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.

3. 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.

4. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 27.01.2023 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.

[MANISHA BATRA]
JUDGE

23rd January, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |