

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.4807 of 2024
Date of decision: 19.03.2024

JOHNY KUMAR
.... Petitioner
Versus

UNION TERRITORY, CHANDIGARH AND ANOTHER
.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Kunal Sharma, Advocate for the petitioner.

Mr. Manish Bansal, P.P., U.T., Chandigarh.

MANISHA BATRA, J. (oral)

1. Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks pre-arrest bail in case FIR No. 2 dated 02.01.2024 registered under Sections 406 and 498-A of Indian Penal Code, 1860, at Women Police Station, Chandigarh.
2. Mr. Devanshu Aggarwal, Advocate appeared and has filed his Power of Attorney on behalf of respondent No.2. The same is taken on record.
3. Vide order dated 30.01.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.
4. Learned State counsel has submitted that though the petitioner has joined the investigation on 03.02.2024, 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 Delhi High Court in case titled as ‘*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 30.01.2024 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