

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-5793-2024(O&M)
Date of Decision: 18.04.2024

SUNNY BAWA

....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Edward Augustine George, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Amandeep Singh Manaise, Advocate for respondent no.2.

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.231 dated 15.12.2023 registered under Sections 498-A and 406 of Indian Penal Code, 1860, at Police Station Dinanagar District Gurdaspur.

2. Vide order dated 05.02.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.

3. As per report received from the Mediation and Conciliation Centre, the matter could not be settled between the parties.

4. Status report has been filed by respondent-State. The same is taken on record which shows that the petitioner has joined the investigation on 20.03.2024.

5. Though, learned State counsel as well as counsel for respondent no.2 have submitted that no recovery of dowry articles is to be effected from

the petitioner and, therefore, he should not be extended benefit of pre arrest bail. However, 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 cases titled as ‘*Jagdish Thakkar vs. State of Delhi*’, 1992 (3) CCR 2764 and ‘*Pooran Singh vs. State of Delhi*’, 2022(1) RCR (Criminal) 503.

6. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 05.02.2024 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.

18.04.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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