

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-6519-2024 (O&M)
Date of decision: 18.03.2024

Mayank Awasthi ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Lalit Singla, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

Mr. Arun Kumar Kaundal, Advocate
for respondent No. 2.

MANISHA BATRA, J. (Oral)

- Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 0150, dated 28.12.2023, under Sections 406 and 498-A of IPC at Police Station Anaj Mandi, Patiala, District Patiala.
- Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on a written complaint filed by respondent No. 2/complainant on 28.12.2023 alleging therein that she was married with the petitioner on 15.4.2012. It was a love-cum-arranged marriage. Sufficient dowry was given in the marriage including several gold articles. However, the petitioner and his family members were not satisfied with the dowry. They started harassing the complainant. Thereafter, a plot of 100 Sq.yards was purchased in Sector 47, Gurugram for a

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sum of Rs. 97 Lakhs and construction was raised by spending Rs.40-45 Lakhs. The complainant had given Rs.13 Lakhs for that purpose, but the plot was not purchased in her name. Rather, it was purchased in the name of the petitioner and his brother Tarun Awasthi. Thereafter, another plot of 160 Sq. yards was also purchased. The entire sale consideration was paid by the complainant by depositing the same in the account of the petitioner, but he got the plot registered in his name. When she opposed, she was given beatings. The complainant has also levelled allegations against the petitioner of having illicit relations with one Shilpi Mukherji and visiting abroad together. Some Panchayats were also convened but accused remained adamant on their demands. The complainant prayed for taking penal action against the culprits. After registration of the FIR, investigation proceedings have been initiated. The petitioner had filed an application for grant of anticipatory bail before the Additional Sessions Judge, Patiala but the same was dismissed, vide order dated 31.01.2024. Therefore, the petitioner has filed the present petition.

3. Vide order dated 07.02.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation.

4. Learned State counsel, in terms of status report filed today in Court, states that the petitioner has joined investigation on 01.03.2024 and he is not required for custodial interrogation. However, learned counsel for respondent No. 2/complainant, by filing reply on behalf of respondent 2 in Court, has opposed the bail on the ground that recovery of certain gold articles is yet to be effected from the petitioner. However, he could not dispute the settled position of law that 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

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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 07.02.2024, 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.

6. However, it is made clear that the petitioner shall not leave the country without prior permission of the Court.

18.03.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No