

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-11911-2023(O&M)
Date of Decision: 15.04.2024

VINOD KUMAR

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Manan Bhardwaj, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

None 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. 87 dated 26.03.2022 registered under Sections 406, 498-A of Indian Penal Code, 1860, at Police Station City Kharar, Punjab.

2. Vide order dated 10.03.2023 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. Learned State counsel has submitted that the petitioner has joined the investigation on 28.09.2023 in compliance of order dated 10.03.2023. Further, learned counsel has submitted that recovery of some gold ornaments is still to be effected from 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 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. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 10.03.2023 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.

15.04.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |