

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-17419-2023 (O&M)
Date of Decision: 05.03.2024

JARNAIL SINGH DHANOA AND ANRPetitioners

VERSUS

STATE OF PUNJAB ...Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Amardeep Singh Gill, Advocate for the petitioners.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Davinder Singh, Advocate for the complainant.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.

seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
18	11.03.2023	Police Station Patara, District Jalandhar Rural	406, 417, 494, 498-A and 120-B of IPC

2. Vide order dated 13.04.2023 passed by this Court, the petitioners were released on interim bail and was directed to join investigation.

3. Though, it is submitted by learned counsel for the petitioners that the recovery of gold ornaments which were belonging to the complainant has not effected by the present petitioners and only 74 gm gold was returned by them.

4. A perusal of record reveals that the petitioners were directed to join the investigation on 13.04.2023. 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, 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* and in case titled as

5. Keeping in view nature of allegations as levelled against the petitioners and the facts and circumstances of the case, the quantum of sentence which conviction may entail, I am of the considered opinion of the case, order dated 13.04.2023 is made absolute subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

05.03.2024

Deepak Patwal

(MANISHA BATRA)
JUDGEWhether speaking/non-speaking: Speaking
Whether reportable: YES/NO