

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-20599-2023 (O&M)
Date of Decision: 06.03.2024

YASHDEEP GARG

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Vikas Gar, Advocate for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

Mr. Neeraj Jain, 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.19 dated 16.03.2023 registered under Sections 498-A/406 of Indian Penal Code, 1860, at Police Station Women Cell, Bathinda District Bathinda.

2. Vide order dated 22.05.2023 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.

3. Learned counsel for respondent no.2 has submitted that an amount of Rs.2 lakh remains to be effected from the petitioner.

4. 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, 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' and in case titled as '*Pooran Singh vs. State of Delhi*', 2022(1) RCR (Criminal) 503.

5. On perusal of record it is revealed that in pursuance of directions issued by this Court the petitioner had deposited an amount of Rs.2 lakhs in the form of FDR in the name of his minor daughter with the Registrar General of this court. The same be handed over to the complainant by the office of Registrar General on moving an appropriate application by her in this regard.

6. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 22.05.2023 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.

06.03.2024

Deepak Patwal

(MANISHA BATRA)
JUDGE

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO