

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M No.24446 of 2023
Date of decision: 11.03.2024

PAWAN KUMAR

.... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr.Pardeep Singh Mirpur, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

Mr. Anmol Puri, Advocate
for the complainant/respondent No.2.

MANISHA BATRA, J. (oral)

1. Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks pre-arrest bail in case FIR No. 18 dated 14.03.2023 registered under Sections 406 and 498-A of Indian Penal Code, 1860, at Women Police Station, District Patiala.
2. Learned counsel for the petitioner as well as respondent No.2 have submitted that efforts for conciliation between the parties, were made in some other proceedings, pending before the Mediation and Conciliation Centre of this Court and a settlement had been arrived at between the parties on 16.01.2024, however, the same has not been proved to be fruitful.
3. It is submitted by learned counsel for respondent No.2 that respondent No.2 has gone to her matrimonial house but she sent back just next day thereafter to her parents' house and now there are no chances of settlement.

4. Learned State counsel submits that in pursuance of order dated 28.07.2023 and thereafter the order dated 06.11.2023, the petitioner has rejoined the investigation on 16.11.2023.

5. Learned counsel for the respondents have submitted that recovery of 3 tolas of gold ornaments is still to be effected from the petitioner, otherwise his custodial interrogation is not required.

6. It is well settled proposition 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 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.

7. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 28.07.2023 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.

11.03.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned: Yes/No.
Whether reportable : Yes/No