

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-36655-2023(O&M)
Date of Decision: 02.04.2024

CHARANPAL SINGH LAMBAPetitioner
VERSUS

STATE OF PUNJABRespondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. B.R. Rana, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Naveen Bawa, Advocate 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.131 dated 06.09.2022 registered under Sections 323, 341, 149 of Indian Penal Code, 1860 and Sections 406, 498-A IPC (added later on) at Police Station Dugri, District Ludhiana on the basis of complaint filed by respondent no.2 making allegations of her being subjected to cruelty on account of demand of dowry by the present petitioner and his family members being physically as well as mentally harassed and has also alleged that *istridhan* has been misappropriated by the petitioner.

2. Vide order dated 31.07.2023 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.

3. As per report of Mediation and Conciliation Centre, the matter could not be settled between the parties. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case and the

allegations as levelled in the FIR are not making out any subject offence on the basis of record. His custodial interrogation is not required. He has already joined the investigation, therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel as well as counsel for the complainant have submitted that some jewellery belonging to the complainant is yet to be recovered from the petitioner. Although, he has joined the investigation on 09.02.2024 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, they have 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 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.

5. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 31.07.2023 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.

02.04.2024

Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |