

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

101

CRM-M-43155-2023 (O&M)
Date of decision: 10.01.2024

Chirag Dabra ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Pawan Kumar Mutneja, Sr. Advocate with
Ms. Suverna Mutneja, Advocate and
Mr. Viranjeet Singh Mahal, Advocate
for the petitioner.

Mr. R. S. Khaira, DAG, Punjab.

Mr. Nakul Sharma, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. CRM-42995-2023

Prayer in this application is for placing on record certain additional documents in the form of Annexures P-15 to P-17 and also for bringing certain additional facts to the notice of this Court. Copy of the application along with annexures is stated to have already been supplied to learned counsel opposite.

For the reasons stated in the application, the same is allowed.

Documents are taken on record as Annexures P-15 to P-17.

2. **CRM-M-43155-2023 (O&M)**

Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 20, dated 27.06.2023, under Sections 498-A and 406 of the IPC at Police Station Women Cell, Ferozepur.

3. It is submitted by learned State counsel that the petitioner has joined the investigation. However, learned counsel for the complainant has submitted that the petitioner has not been cooperating in effecting the recovery of jewelleries and has even handed over the jewelleries of the complainant, entrusted to him, after getting similar kind of jewelleries with reduced weight. The allegations, which have been levelled in the FIR as against the petitioner, are that he had been subjecting the complainant to cruelty on account of demand of dowry and she had been physically as well as mentally harassed by him.

4. The parties have been making allegations/counter allegations against each other with regard to recovery/non-recovery of the *Istridhan* of the complainant. It is a matter of trial to see whether any *Istridhan* of the complainant was entrusted to the petitioner and he had criminally misappropriated or converted the same to his own use. The well settled position of law is that the benefit of bail cannot be denied to a husband in such like proceedings only on account of non-recovery of dowry articles. The custodial interrogation of the petitioner is not required. Keeping in view the

nature of the offences, for which, he has been booked and also the fact that he has joined investigation, without commenting on the merits of the case, the present petition is allowed and the order dated 16.10.2023, 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.

10.01.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No