

CRM-M-44002-2023

2024-PHHC-074833



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**207 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-44002-2023

Date of decision: 24th May, 2024

Raj Kumar and another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.K. Chaudhary, Advocate for the petitioners.

Mr. A.S. Samra, AAG, Punjab.

Ms. C.P. Kaur Ahluwalia, Advocate and
Mr. Vipin Mahajan, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.118 dated 01.07.2023 registered under Sections 498-A and 406 of Indian Penal Code, 1860 at Police Station Dinanagar, District Gurdaspur.

2. Vide order dated 04.09.2023 passed by this Court, the petitioners were released on interim bail and were directed to join investigation.

3. On a perusal of record, it is revealed that on 12.12.2023, a report was received from the Mediation and Conciliation Centre that the



parties had settled their dispute by way of an amicable settlement and a written agreement/settlement was also signed between the parties. However, on request of learned counsel for respondent No.2 that certain conditions were to be complied with petitioner No.1, the matter has been adjourned to further date.

4. It will also not out of place to mention here that on 16.04.2024, it was informed by learned counsel for respondent No.2. that petitioner No.1 was not complying with the terms of settlement, however, still on request of both the parties, the matter had been ordered to be sent again for mediation and now a report has been received that no settlement could be arrived at between them.

5. The petitioners had joined the investigation on 12.12.2023 in terms of order dated 04.09.2023 as submitted by learned State counsel recovery of the dowry articles has been effected from the petitioners and only one gold chain is to be recovered. 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'. No useful purpose would be served by detaining them in custody.

6. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 04.09.2023 granting interim bail to the petitioners, is made absolute, subject to the



conditions laid down in Section 438(2) of the Code of Criminal Procedure.

7. Since the main petition has been disposed of, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

24th May, 2024
Parveen Sharma

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