

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-53002-2023 (O&M)
Date of Decision: 12.02.2024

BHUPINDER SINGH PANNUPetitioner

VERSUS

STATE OF PUNJAB AND ANOTHERRespondents

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Ramnish Puri, Advocate for the petitioner.
Mr. Satjot Singh, AAG, Punjab.
Mr. G.S. Bhatia, Advocate for respondent No.2.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
94	01.10.2023	Women Cell, District Amritsar	498-A of IPC (Section 406 IPC added later on)

2. Learned counsel for respondent no.2 submits that recovery of jewellery and electronic items are yet to be recovered.
3. Vide order dated 18.10.2023 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.
4. As per report received from the Mediation and Conciliation Centre, no settlement could be arrived at between the parties.

5. Learned State counsel submits that petitioner has rejoined the investigation on 20.11.2023 and on instructions from the Investigating Officer states he is not required for custodial interrogation. 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.

4. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 18.10.2023 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.

12.02.2024

Deepak Patwal

(MANISHA BATRA)
JUDGE

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