

205 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-55634-2023
Date of decision: 8th April, 2024

Jasbir Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. A.K. Sephia, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.
Mr. Pushpinder Kaushal, 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. 34 dated 02.08.2023 registered under Sections 323, 342, 498-A and 506 read with Section 34 of Indian Penal Code, 1860 and Sections 406 and 325 of IPC, 1860 added later on, at Police Station Block Majri, District SAS Nagar, Punjab.

2. Vide order dated 06.11.2023 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.
3. 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.
4. Learned counsel for the complainant has submitted that there

are serious allegations against the petitioner not only he subjected the complainant to cruelty on account of demand of dowry but had also mentally and physically harassed her and had even caused grievous injuries to her. He has criminally misappropriated her dowry articles and therefore, he has argued that he does not deserve to be given concession of pre-arrest bail.

5. 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.

6. Keeping in view of the fact that the petitioner has joined the investigation and her custodial interrogation is not required, without commenting on the merits of the case, the present petition is allowed and the order dated 06.11.2023 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.

[MANISHA BATRA]
JUDGE

8th April, 2024
Parveen Sharma

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