

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-55027-2023 (O&M)

Date of Decision: 14.03.2024

VIJAYENDRA SHARMA

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Lovish Mittal, Advocate for
Mr. Pranshul Dhull, Advocate for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

Mr. Gurjot Singh Sadhrao, 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. 0049 dated 11.07.2023 registered under Sections 406, 498-A of Indian Penal Code, 1860, at Police Station Women, District SAS Nagar (Mohali).

2. Vide order dated 03.11.2023 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 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, '*Pooran Singh vs. State of Delhi*', 2022(1) RCR (Criminal) 503 as well as by Hon'ble Supreme Court in case titled as "*Social Action Forum for Manav Adhikar Vs. UOI (SC) 2018 (4) RCR (Criminal) 226*".

4. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 03.11.2023 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

14.03.2024
Deepak Patwal

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