

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-56538-2023(O&M)
Date of Decision: 09.04.2024

HANS RAJ AND ANR

....Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Satnam Singh, Advocate for the petitioners.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Karamjit Sharma, Advocate for respondent no.2.

MANISHA BATRA, J. (Oral)

Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioners seek pre-arrest bail in case FIR No.58 dated 20.05.2022 registered under Sections 498-A, 406, 494, 34 of IPC at Police Station Sujampur District Pathankot.

2. Vide order dated 11.12.2023 passed by this Court, the petitioners were released on interim bail and were directed to join investigation.

3. Learned State counsel has submitted that the petitioners have joined the investigation on 01.10.2023 and then rejoined on 16.01.2024. Learned State counsel as well as counsel for the complainant have submitted that some gold ornaments are yet to be recovered from the petitioners. 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 cases

titled as ‘*Jagdish Thakkar vs. State of Delhi*’, 1992 (3) CCR 2764’ and ‘*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 11.12.2023 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.

09.04.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |