2024:PHHC:018750

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

210 **CRM-M-58386-2023 (O&M)**
Date of Decision: 09.02.2024

SANDEEP KUMAR ....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER ....Respondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks pre-arrest bail in case FIR No. 366 dated 13.06.2023 registered under Sections 406, 498-A and 506 of Indian Penal Code, 1860, at Police Station Shahabad District Kurukshetra (Annexure P-1).

2. Vide order dated 20.11.2023 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 'J***agdish***

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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 20.11.2023 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)

09.02.2024 **JUDGE**

Deepak Patwal

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

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