

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

210

CRM-M No.62520 of 2023
Date of decision: 30.04.2024

Manish Kumar

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jagdeep Singh Rana, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

None for respondent No.2.

MANISHA BATRA, J. (Oral)

1. The present petition under Section 438 of Code of Criminal Procedure has been filed by the petitioner seeking anticipatory bail in case FIR No.0227 registered under Sections 406, 498-A and 120-B of IPC at Police Station City South, District Moga.
2. The facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 05.11.2023 on the basis of a written complaint filed by respondent No.2-Rachna alleging therein that she was married with the petitioner on 26.06.2020. It was alleged that her parents had spent huge amount of money at the time of marriage and several gold ornaments, costly clothing, kitchen utensils

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and other items had been given to the petitioner and his family members and other relatives. Cash amount of Rs.4 lacs had also been given. However, the petitioner and his family members were not satisfied with the dowry and immediately after her marriage, they started harassing her on account of demand of dowry and pressurized her to bring a sum of Rs.10 lacs to buy a Swift car from her parents. She alleged that ultimately she was thrown out of her matrimonial house. After registration of FIR, investigation is underway.

3. Vide order dated 13.12.2023, the petitioner was released on interim bail and was directed to join investigation.

4. The respondent No.2 was duly served for today but none appeared on her behalf.

5. Learned State counsel has submitted that though the petitioner has joined the investigation on 19.12.2023, but some dowry articles could not be recovered at the instance of 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. Custodial interrogation of the petitioner is not required. No useful purpose will be served by detaining him in custody.

6. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 13.12.2023 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.

30.04.2024	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No