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Neutral Citation No. 2024:PHHC:014744
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-53864-2023 in/and
CRM-M-62509-2023
Date of decision: 1st February, 2024

Sarabjeet Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Chetan Goyal, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.

MANISHA BATRA, J (ORAL):-

CRM-53864-2023

This is an application for the preponement of hearing from 01.02.2024 to any early date and modification of the order.

Since the main case is listed today, the prayer made in the application renders infructuous.

The application is disposed of as infructuous.

Main case

- Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.94 dated 23.11.2023 registered under Sections 406 and 498-A of Indian Penal Code, 1860 at Police Station Women, District Karnal.
- Vide order dated 12.12.2023 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.
- Learned State counsel on instructions from ASI Mandar Singh submits that petitioner has joined the investigation but recovery of twenty-six tolas gold is pending.

4. On the other hand, learned counsel for the petitioner has placed on record copies of certain memos showing dowry articles and car alongwith its original RC have been returned along with gold articles.
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 Hon’ble Supreme Court in case *Writ Petition (Civil) No.73 of 2015*, titled as ‘*Social Action Forum for Manav Adhikar Vs. Union of India, Ministry of Law and Justice*’ decided on 14.09.2018. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 12.12.2023 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.

[MANISHA BATRA]

JUDGE

1st February, 2024

Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No