IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

201

CRM-M-64745-2023 (O&M)
Date of Decision: 29.07.2024

Chhakinder Kaur .....Petitioner

Versus

State of Punjab .....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. M.S.Sachdev, Advocate for the petitioner.

Mr. P.S.Bhandari, AAG, Punjab.

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ALOK JAIN, J.(ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.77 dated 30.09.2022 under Sections 406, 498-A and 120-B IPC, registered at Police Station Patara, District Jalandhar Rural.

2. Vide order dated 12.01.2024, this Court while granting the concession of interim anticipatory bail directed the petitioner to join investigation. In compliance of the order dated 31.05.2024, the petitioner has joined the investigation and this fact is not denied by the learned State counsel, however, he submits that recovery is yet to be effected.

3. It is a settled principle of law that the non-recovery of certain articles by the investigating agency from the accused cannot be a ground to deny the confirmation of the concession granted to the petitioner.

4. In view of the above, the present petition is **allowed**. The order dated 12.01.2024 granting interim anticipatory bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the

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conditions of Section 438 (2) Cr.P.C.

5. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

6. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of the condition(s) of bail.

7. All the pending miscellaneous applications, if any, are also disposed of.

29.07.2024 **(ALOK JAIN)**
Rajeev (rvs) **JUDGE**

Whether speaking/reasoned Yes
Whether reportable No

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