



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

203+101

CRM-M-30910-2023 (O&M)

Date of decision : 10.02.2025

Lovekesh Jain

....Petitioner

V/S

State of Haryana and another

....Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Anil Mehta, Advocate with
Ms. Livleen Brar, Advocate for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

Mr. Munish Behl, Advocate for
Mr. Arnav K. Sood, Advocate for respondent No.2.

NAMIT KUMAR, J. (ORAL)**CRM-35113-2024**

Prayer in the instant application filed under Section 482 of Cr.P.C. is for placing on record the pen-drive containing video recordings of the search conducted by the police authorities at the residence of the petitioner and his bank locker as Annexure P-4.

Allowed as prayed for subject to all just exceptions.

CRM-6981-2024

Prayer in the instant application filed under Section 482 of Cr.P.C. is for placing on record challan dated 13.09.2022 as Annexure P-3 and exemption from filing certified copy of the same.

Allowed as prayed for subject to all just exceptions.

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1. The petitioner has filed the instant petition under Section

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438 of Cr.P.C. for grant of anticipatory bail in case FIR No.42 dated 21.05.2023 registered under Sections 323, 377, 406, 498-A & 506 of IPC at Police Station Women, District Ambala.

2. While issuing notice of motion vide order dated 20.06.2023, the petitioner was granted interim anticipatory bail and he was directed to join the investigation. It is not disputed by learned counsel for the parties that in pursuance to the order dated 20.06.2023, the petitioner has joined the investigation on 27.06.2023.

3. On 18.08.2023, it was recorded that the petitioner had joined the investigation and some dowry articles have been recovered but the gold jewellery items were yet to be recovered from him and the case was adjourned for 04.11.2023 and one more opportunity was granted to the petitioner to re-join the investigation and to do the needful. On 06.11.2023, respondent No.2-complainant had handed over the Bills qua the purchase of gold jewellery items to the learned State counsel for being handed over to the Investigating Officer and the petitioner was again directed to join the investigation on 22.11.2023 at 10:00 a.m. On 02.09.2024, the following order was passed :-

“1. Learned State counsel has filed status report dated 02.09.2024, by way of affidavit of Ms. Shrishti Gupta, IPS, Assistant Superintendent of Police, Ambala, on behalf of respondent-State of Haryana, which is taken on record.

2. As per the status report, no gold ornaments have been recovered. However, recovery of 11 household articles, which includes one unstitched ladies suit, toothbrush, etc., has been effected.



3. *It has been noticed in the order dated 06.11.2023 that respondent No.2-complainant has handed over the bills qua the purchase of gold jewellery items to the Investigating Officer.*
 4. *Learned State counsel submits that as per the status report, the bank locker was operated after moving an application to the Bank Manager. However, no recovery could be effected. It has been further informed that the Investigating Officer has recorded the statement of the Bank Manager, as per which, prior to the registration of the FIR, the said locker was operated on 08.12.2022, 02.02.2023, 20.02.2023, 22.02.2023, 03.04.2023, 18.04.2023, 26.06.2023 and 17.07.2023.*
 5. *Learned State counsel, upon instructions from SI Hardev Singh, further informs that the bills regarding the purchase of gold ornaments were got verified by the Investigating Officer and as per the said bill, the total cost of the gold ornaments is Rs.12,00,000/-.*
 6. *Learned counsel for the petitioner seeks a short accommodation to have instructions.*
 7. *Adjourned to 18.10.2024.*
 8. *Interim order to continue till the next date of hearing.”*
4. Vide order dated 16.12.2024, copy of the Bills was directed to be filed in the Registry with an advance copy to learned counsel for the petitioner.
5. Learned State counsel has filed status report by way of an affidavit of Sh. Vijay Kumar, HPS, Deputy Superintendent of Police, Head Quarter Ambala, District Ambala, on behalf of respondent No.1-State, which is taken on record. Along with the status report, statement



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dated 27.01.2025 of the complainant has been annexed as Annexure R-1 which reads as under :-

“Stated that I am resident of above name and address and that I have got registered a case FIR No. 42 dated 21.05.2023, under sections 323, 377, 406, 498-A, 506 IPC, Police Station Women, Ambala and that the gold ornaments which were entrusted to her by her parents in her marriage were the ancestor ornaments of her mother and for know the estimated cost of the said ornaments, her mother-father went to the Jeweler Lachman Dass Vidhya Sagar, Kasera Bazar, Ambala Cantt., who got prepared the estimated bill of the ornaments to her mother-father and the same has already been placed on record and that they were in possession of estimated bill of the gold ornaments of her mother rather they are not in possession of fixed bill and the local police has already got verified the estimate of the ornaments. I have got recorded my statement read over which is correct. Sd/ Shivani Goel – 27.01.2025.

6. Learned counsel for the petitioner has also made reference to the challan dated 13.09.2023 presented before the Trial Court and relevant portion from the said challan is as under :-

“xx xx xx xx During the investigation, accused Lovekesh's anticipatory bail was allowed by the Hon'ble Punjab and Haryana High Court, Chandigarh and the accused was instructed to join investigation, that in the present case the above said main accused joined the investigation on 27.06.2023 as per the orders passed by the Hon'ble Punjab and Haryana High Court. The accused suffered his disclosure statement before the investigating authority which was signed by the accused and the witness. During the investigation case, as per the disclosure



statement suffered by the above stated accused Lovekesh Jain, the dowry goods were recovered which were identified by the complainant plaintiff in this case Shivani Goyal. The recovery memorandum of the belongings and dowry articles and it's identification was prepared which was signed by the accused, plaintiff and the witnesses. The recovered dowry articles were handed over to the complainant/ plaintiff.”

7. Even otherwise, it is a well settled proposition of law that the recovery of dowry articles is a matter of trial and anticipatory bail cannot be rejected on account of non-recovery of all the dowry articles. Reference in this regard may be made from the judgments passed by this Court in ***Raghunath Kumar and another Vs. State of Haryana and another : 2025(1) RCR (Criminal) 611*** and ***CRM-M-65541-2023 titled as ‘Arun Sharma and another Vs. State of Punjab and another’ decided on 27.02.2024.***

8. Keeping in view the facts and circumstances of the case particularly the fact that the petitioner had already join the investigation and is remained cooperative in the investigation, the interim bail granted to the petitioner vide order dated 20.06.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C./482(2) of BNSS, 2023.

10.02.2025
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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No