



CRM-M-51646-2024

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

**CRM-M-51646-2024
Date of Decision: 17.02.2025**

Bimla Devi and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Dinesh Nagar, Advocate for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

Mr. B.D. Rana Advocate for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.0067, dated 23.08.2024, under Sections 498-A & 406 IPC, registered at Police Station Women, Ludhiana.

2. Learned counsel for the petitioners submitted that it is a case where the marriage between petitioner No.2 and the complainant took place on 27.09.2022 and two months thereafter, she left the matrimonial home as matrimonial discord took place between petitioner No.2 and the complainant and she took away all the gold ornaments and other articles with her. He further submitted that when notice of motion was issued by this Court on 19.10.2024, then the petitioners were granted interim bail, subject to fulfilling of a few conditions. He submitted that in pursuance of the order dated 19.10.2024, the petitioners have not only joined the investigation but have also fully cooperated with the investigation process.

3. Learned counsel for the petitioners further submitted that even as per the reply filed by the State, two different lists have been attached as

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Annexures R-1 and R-2. Annexure R-1 is a list whereby even as per the State, the articles have been recovered which includes gold and silver jewellery and other articles whereas as per Annexure R-2, allegedly some articles have not been returned by the petitioners and that also includes some gold jewellery and other articles. He also submitted that the aforesaid is a list of inventory of articles which was prepared by the complainant and in fact all the dowry articles and gold which constituted *Stridhan* have been returned to the complainant during the course of investigation and therefore, has prayed that the aforesaid interim order may be made absolute.

4. On the other hand, Mr. Jasjit Singh, learned DAG, Punjab, on instructions from ASI Surinder Kumar has stated that in pursuance of the order dated 19.10.2024, the petitioners have joined investigation and have cooperated with the investigation process, however, some of the articles which have been incorporated in Annexure R-2 have not been returned by the petitioners for which, a list was given by the complainant to the police but some of the articles have been returned by the petitioners which has been incorporated as Annexure R-1.

5. Mr. B.D. Rana, learned counsel for the complainant has submitted that the petitioners have not returned all the dowry articles which constituted a part of *Stridhan* and therefore, both the petitioners do not deserve the concession of anticipatory bail.

6. I have heard the learned counsel for the parties.

7. It is a case of a matrimonial discord between petitioner No.2 and the complainant wherein as per both the learned counsels for the petitioners as well as learned State Counsel, in pursuance of the order dated 19.10.2024, the petitioners have already joined investigation and have cooperated with the investigation process. Now the only objection which has been raised by the

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learned State Counsel as well as learned counsel for the complainant is with regard to some of the articles which were part of the *Stridhan* but have not been returned to the complainant. It is a case of the learned counsel for the petitioners that the aforesaid list was prepared by the complainant with regard to inventory of articles and in fact all the articles which were given in the marriage have been returned to the complainant. This Court is of the considered view that at this stage of considering the grant of anticipatory bail where the petitioners have already joined the investigation and have fully cooperated with the investigation process and at least some of the articles have been returned back to the complainant, the fact as to whether the entire articles of *Stridhan* have been returned to the complainant or not can only be seen at the time of trial by way of adducing evidence. While considering the grant of anticipatory bail, the Court has to make a balance between the Right to Liberty of an individual on the one hand and on the other hand, the nature of the allegations against the petitioners. This Court is of the considered view that for the purpose of making balance as aforesaid and considering the facts and circumstances of the present case, the mere fact that allegedly some of the articles of *Stridhan* have not been returned back to the complainant by the petitioners itself cannot become a ground for denial of anticipatory bail to the petitioners because it is a case where liberty of an individual is involved which will have a predominant factor.

8. Consequently, the present petition is allowed and the order dated 19.10.2024, is hereby made absolute.

17.02.2025*Bhumika***(JASGURPREET SINGH PURI)****JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |