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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56683-2024(O&M)

Date of decision: 07.02.2025

Harjinder Singh**...Petitioners****VERSUS****State of Punjab and another****...Respondents****CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Mr. Naveen Batra, Advocate, for the petitioner.

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

None for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. As per the report of the Registry, respondent No.2 who is the wife has been served but nobody has caused appearance on behalf of respondent No.2.

2. Learned counsel appearing on behalf of the petitioner submitted that the dispute in the present case is a matrimonial dispute and the petitioner is the husband and in pursuance of the order passed by this Court dated 14.11.2024, the petitioner has already joined investigation and he has fully co-operated with the investigation process. He also submitted that it is a case where notice under Section 41-A of the Code of Criminal Procedure was not served upon the petitioner and there has been a violation of the law laid down



by Hon'ble Supreme Court in *Arnesh Kumar Versus State of Bihar (2014) 8 SCC 273* and *Siddharam Satlingappa Mhetre Versus State of Maharashtra and others, 2010 SCC OnLine SC 1375*.

3. Learned State counsel has submitted on instructions that in pursuance of the order passed by this Court on 13.11.2024, the petitioner has already joined investigation. He submitted that however the wife has claimed that there were some gold ornaments with the petitioner i.e two gold rings and one watch which have not been returned.

4. Respondent No.2 was impleaded as a party and she has been served but she has not appeared. The petitioner has already joined investigation. This Court is of the considered view that the mere fact that some gold ornaments etc. are not returned to the respondent-wife and in the absence of appearance of respondent No.2 in the present case, the same cannot become a ground for denial of anticipatory bail because it affects the liberty of an individual.

5. Consequently, the present petition is allowed. The order dated 14.11.2024 is hereby made absolute.

(JASGURPREET SINGH PURI)
JUDGE

07.02.2025
rakesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No