

**IN THE COURT OF HARREET KAUR KALEKA,
ADDITIONAL SESSIONS JUDGE; SAS NAGAR MOHALI**

CIS No. BA- 1727-2022

CNR No.PBSA01007004-2022

Date of Decision: 18.08.2022.

Rahul Saini aged about 29 years son of Sh. Ashok Kumar, R/o House No. 113, Mauli Jagran, Chandigarh.

....Accused/Applicant.

Versus

State of Punjab.

.....Respondent.

....

Bail application under Section 438 Cr.P.C in case
FIR No. 0005 dated 23.06.2022,
Under Section 498-A IPC,
Section; 406 IPC added later on.
Police Station: Women, District SAS Nagar.

Present:- Sh. Yadwinder Singh, Advocate counsel for applicant/
accused.

Sh. P.P.S. Brar, Additional Public Prosecutor for State.

Sh. Aksh Chetal, Advocate for the complainant.

ORDER

1. This order of mine shall dispose of anticipatory bail application filed under Section 438 Cr.P.C. by applicant/accused in FIR No.0005 dated 23.06.2022, Under Section 498-A of IPC, Section 406 of IPC added later on, Police Station, Women, District SAS Nagar (Mohali).

(Harreet Kaur Kaleka)
Addl. Sessions Judge,
SAS Nagar Mohali.
UID No.PB0127

2. Notice of the bail application has been given to learned Additional P.P. for the State and record has also been produced by the ASI Pavitarpal Singh No. 993/SAS Nagar, P.S. Women Cell, Mohali.

3. Vide order dated 20.07.2022, applicant-accused was directed to join the investigation within 10 days under Section 498-A of IPC and in event of his arrest, shall be admitted to interim bail on furnishing his bail/surety bonds to the satisfaction of I.O./Arresting Officer.

4. However, on 09.08.2022 ASI Pavitarpal Singh No. 993/SAS Nagar had put in appearance along with record and suffered a statement that applicant/ accused Rahul Saini has joined the investigation on 02.08.2022 under Section 498-A of IPC. Thereafter, offence under Section 406 IPC has been added. Accused is not co-operating in the investigation and recovery of gold articles has not been effected.

Then, learned counsel for the applicant/accused moved an application for adding Section 406 of IPC in the anticipatory bail application and for grant of anticipatory bail in the offence under Section 406 of IPC, which was allowed vide order dated 09.08.2022 and the applicant/accused was directed to join the investigation for the offence under section 406 of IPC within 7 days.

5. Today, ASI Pavitarpal Singh No. 993/SAS Nagar has put in appearance along with record and suffered a statement that applicant/ accused Rahul Saini has joined the investigation on

16.08.2022, but he has not co-operating with the investigation nor he has got the recovery of gold articles effected.

6. As per the statement of ASI Pavitarpal Singh, the applicant has joined the investigation, but he is not co-operating in the investigation nor he has got the recovery of gold articles effected. On the mere asking of the ASI Pavitarpal Singh, the recovery of gold articles has not been effected, the relief of bail can not be declined to the applicant. The prosecution has failed to show as to for what purpose custodial interrogation of the applicant will be required. Hon'ble Punjab & Haryana High Court had observed in case **Prit Pal Singh Vs. State of Punjab and another, 2014(1) AICLR 586(P&H)** that proceedings under Section 406 and 498-A IPC are not meant for recovery of jewellery and dowry articles. If the complainant chooses she can move to the Civil Court for recovery of the said articles and bail was granted to the petitioner in this case.

7. Considering the fact that the applicant had joined the investigation as per orders of the Court, therefore, guided by the ratio of judicial pronouncement in **Prit Pal Singh's case (supra)**, this Court deems the applicant fit to be granted bail. Therefore, the interim anticipatory bail granted to applicant-accused vide order dated 20.07.2022 under Section 498-A of IPC and interim anticipatory bail granted vide order dated 09.08.2022 under Section 406 of IPC is made **absolute**, subject to the conditions mentioned in Section 438(2) Cr.P.C.

Police record be returned and record of bail application
be consigned to record room.

Pronounced in open court
Dated: 18.08.2022.
L.R. Bali
Stenographer Gr.I

(Harreet Kaur Kaleka)
Additional Sessions Judge,
SAS Nagar Mohali.
(UID No.PB0127)

(Harreet Kaur Kaleka)
Addl. Sessions Judge,
SAS Nagar Mohali.
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