

CNR No. PBGD010040252020

Presented on : 07-07-2020

Registered on : 07-07-2020

Decided on : 14.07.2020

**IN THE COURT OF Additional District and Sessions Judge AT,
Gurdaspur (Presided Over by Ms. Archana Kamboj) BA-1983-2020**

Present: Shri Uttam Sandhu, Advocate, counsel for accused-applicant. (through video conference)
Shri Kiran Kumar, Additional P.P. for State assisted by
Sh.Rahul Puri, Advocate, counsel for complainant. (through video conference)

ORDER

1. Today SI Surjan Singh No.2223/BTL, P.S. Bhaini Mian Khan has come present and suffered statement (separately recorded) that accused/applicants Surjeet Kaur has joined investigation in compliance of order dated 09.07.2020. However, he stated that recovery of some gold ornaments is yet to be effected.

2. Arguments on bail application under Section 438 of Cr.PC for pre-arrest filed on behalf of accused/applicant heard. Record perused.

3. From the perusal of record, it transpires that vide order dated 09.07.2020 passed by this court, the present accused/applicant was granted interim bail with the direction to join investigation and complied with the conditions mentioned therein. As it is evident from the statement of SI Surjan Singh aforementioned, the present accused/applicant has duly joined investigation and as such has complied with the order dated 09.07.2020. Learned Additional PP for the State has stated that the alleged recovery of some gold ornaments is yet to be effected and as such, present accused/applicant is not entitled to be given concession of anticipatory bail. However, I am not convinced with the contentions so put forth by learned APP for the State because law is clear that the

proceedings under Section 498-A/406 IPC cannot be used as of recovery tool for recovery of dowry articles, if any of the bride. Reliance in this regard can be placed upon **Prit Pal Singh Vs. State of Punjab and another, in 2014 (5) RCR (Criminal) 771.** Further the alleged entrustment of dowry articles is a matter to be appreciated at the time of leading evidence before the learned trial court. At this stage, keeping in view that accused/applicant had already joined investigation and complied with the order aforementioned, the bail order dated 09.07.2020 is made absolute subject to the conditions as envisaged under section 438(2) Clauses (i), (ii) and (iii) of Cr.P.C enumerated as under:-

1) That accused/applicant shall make herself available for interrogation by a police officer as and when required;

II) That accused/applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer;

III) That accused/applicant shall not leave India without the previous permission of the the court;

However, nothing as expressed in the said order shall have any bearing on the merits of the main case. Police record be returned and papers of bail application be consigned to Record Room.

Pronounced in the open Court
Dated: 14.07.2020

(Archna Kamboj)
Addl. Sessions Judge,
Gurdaspur. UID no. PB0202

Krishan Goyal, Steno-II