

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-14441-2014

Date of decision : 02.02.2015

Ritu and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.B.S.Bhalla, Advocate
for the petitioners.

Mr.Gurinderjeet Singh, DAG, Punjab
assisted by Mr.Ankur Mittal, Advocate
for the complainant.

REKHA MITTAL, J.

The petitioners pray for grant of bail in anticipation of arrest in FIR No.39 dated 27.03.2014 for offence punishable under Section 381 of the Indian Penal Code registered in Police Station City Moga.

Counsel for the petitioners contends that Ritu petitioner No.1 was working as a domestic help at the house of Dr.Anish Kaura, the complainant and left the job three months prior to lodging of FIR. The present false case has been registered against the petitioners as petitioner No.1 protested against sexual advances made by the complainant. It is against normal human conduct that if the complainant had found an amount of Rs.20 lacs missing from his house on 15.02.2014 or 15.03.2014, he would wait for 12 days in lodging the FIR which was got registered on 27.03.2014. The petitioners have already joined investigation in compliance

with interim bail granted by the Court and they are ready to face proceedings, in accordance with law.

Counsel representing the State of Punjab assisted by Mr. Ankur Mittal, Advocate for the complainant has submitted that petitioner No.1 has concocted a false story that the complainant ever committed any misconduct much less any sexual advances towards petitioner No.1. There is nothing on record suggestive of the fact that petitioner No.1 had given up her job with the complainant three months prior to the occurrence or lodged any grievance to any other authority whatsoever in regard to alleged misconduct. It is further argued that in pursuance of disclosure statement made by the petitioner, an amount of Rs.50,000/- has been recovered by the police from one Rajni wife of Banti. Custodial interrogation of the petitioner is required to recover the stolen property and progress in investigation.

I have heard counsel for the parties and perused the records.

In the FIR got registered by the complainant, the date when he found the money missing from the almirah is mentioned as 15.02.2014 which was later corrected as 15.03.2014 in view of the statement made by the complainant. The mere fact that the complainant lodged the FIR on 27.03.2014 after about 12 days of the occurrence is no ground at this stage to disbelieve his version as the complainant had explained that he was trying to get hold of the accused at his own level to know the status of Rs.20 lacs stolen from his house. Counsel for the petitioner is not in a position to controvert submission of counsel for the State that out of stolen property, an amount of Rs.50,000/- was recovered which was produced by Rajni wife of

Banti on 26.06.2014. It is difficult to accept version of petitioner No.1 that the complainant committed the alleged misconduct or she protested against sexual advances of the complainant as the petitioner or her family never lodged their grievance with any authority much less with the police. Custodial interrogation of the petitioners is required to unearth the crime and recover the stolen property which disentitles the petitioners to concession of bail in anticipation of arrest. However, nothing stated in this order shall prejudice the trial Court in deciding culpability of the accused, if they are put to trial.

Dismissed.

(REKHA MITTAL)
JUDGE

February 02, 2015.

DK