

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

Criminal Misc.No.M-21164 of 2015

Date of Decision: September 03, 2015

Seema Sharma & Anr.

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Sudhir Sharma, Advocate,
for the petitioners.

Mr.P.S.Ghuman, Addl.AG, Punjab.

Mr.Vivek Singla, Advocate,
for the informant.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioners, Seema Sharma and Nitin Sharma, who have been booked for having committed the offences punishable under Sections 120-B, 380 and 406, IPC, in a case arising out of FIR No.34, dated 27.05.2015, registered at Police Station, Nayagaon, S.A.S.Nagar (Mohali).

Learned counsel for the State, on instructions from SI Harbhinder Kumar, Police Station, Nayagaon, S.A.S.Nagar (Mohali) submits that in compliance of the order dated 03.07.2015 passed by this Court, the petitioners did join the investigation however, the documents could not be recovered

from the petitioners. He fairly concedes that silver articles recovered from the kidnappers of the nephew of petitioner No.1, Seema Sharma, are in possession of the Chandigarh police. He also concedes that the custodial interrogation of the petitioners is not required. He further concedes that the case for forging the documents has not been registered against the petitioners.

Learned counsel for the informant/complainant has vehemently opposed the grant of anticipatory bail to the petitioners. He contends that not only the documents were forged but the petitioners have also filed the present petition on wrong averments. On the query by this Court, he fairly concedes that in the present case, the petitioners are not required for forging the documents as per police case.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

The main allegations were with regard to misappropriation of the silver ornaments which were allegedly recovered by the Chandigarh police in FIR No.33 dated 18.01.2014 registered at Police Station, Sector 39, Chandigarh. The joining of the investigation by the petitioners has not been denied by learned counsel for the State.

In view of the totality of the facts and circumstances of the case, the present petition is allowed. Interim directions

issued by this Court vide order dated 03.07.2015 are made absolute.

The petitioners shall continue to join the investigation as and when required to do so and abide by all the terms and conditions as laid down under Section 438(2), Cr.P.C.

September 03, 2015
seema

(Naresh Kumar Sanghi)
Judge

