

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

**C.R.M-M No.33093-2015
Date of decision : 05.10.2015**

Asha Rani and others

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Gautam Dutt, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

Mr. Bipan Ghai, Senior Advocate with
Mr. Vishavjit S.Virk, Advocate
for the complainant.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.75 dated 10.09.2015 registered under Sections 380, 454, 427, 506, 148 and 149 IPC at Police Station Cantt. Bathinda, District Bathinda.

The allegations are that the complainant's nephew's wife died in a matrimonial home. Petitioners who were her relatives came there and ransacked the house and stole some valuable property including a mobile phone containing No.94675-90500.

Learned counsel for the petitioners has argued that actually the wife of the nephew of the complainant has been murdered and when her family which included the petitioners came to know about the death, they did come to the house of the husband and there was some tension but the allegations of stealing are clearly wrong.

Learned senior counsel for the complainant has, however, argued that actually the girl was continuing with a premarital affair and had committed suicide because of the marriage and the evidence with regard thereto was available in the mobile phone which was stolen and the recovery of the mobile phone would be crucial to the defence of the complainant.

Learned Additional Advocate General, on instructions from ASI Parminder Singh has informed that as per the investigation the offending phone was used only for accessing the internet and no calls/SMS were made by the deceased from that phone. In that case it would not be impossible for the police investigation to access the mails etc. which may have been sent through internet.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioners.

Resultantly, the petition is allowed. In the event of arrest of the petitioners, they shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioners are directed to appear before the investigating officer on 13.10.2015 and on any other date as and when their presence is

required. In case the petitioners do not appear before the investigating officer in the aforesaid manner the present petition would be deemed to have been dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

October 05, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**