IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CRM No. M-39712 of 2015 (O&M) Date of Decision: 28.04.2016

Baljit Kaur --Petitioner

Versus

State of Punjab --Respondent

2. CRM No. M-13330 of 2016 (O&M)

Amrik Singh --Petitioner

Versus

State of Punjab --Respondent

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Ms. Kavya Jariyal & Mr. Inderjit Sharma,
Advocates for the petitioners.

Mr. D.S. Virk, A.A.G., Punjab.

Mohd. Yousaf, Advocate for the complainant.

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**TEJINDER SINGH DHINDSA.J**

This order shall dispose of CRM No. M-39712 of 2015 (Baljit Kaur Vs. State of Punjab) & CRM No. M-13330 of 2016 (Amrik Singh Vs. State of Punjab) as both these connected petitions have been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioners therein in case F.I.R. No.59 dated 4.10.2015 under section 380 I.P.C (section 120-B I.P.C added later on), registered at Police Station, Sandaur, District Sangrur.

Briefly, it may be noticed that the complainant is Babu Singh i.e. father-in-law of Baljit Kaur i.e. petitioner in CRM No. M-39712 of 2015. Allegations are that Baljit Kaur has committed theft of gold ornaments/cash on 28.9.2015 from her own matrimonial home.

On 26.11.2015., while issuing notice of motion, the following order was passed in CRM No. M-39712 of 2015 by this Court:-

*"It is inter alia argued that the present case is an outcome of frustration of the complainant/father-in-law against the petitioner/daughter-in-law Baljit Kaur for not bearing a child and that false allegations of theft of gold ornaments have been levelled against her.*

*Notice of motion for 4th February, 2016.*

*Meanwhile, in the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) Cr.P.C."*

Likewise, the notice of motion order dated 23.4.2016 passed in CRM No. M-13330 of 2016 reads in the following terms:-

*"The present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.59 dated 04.10.2015, under Section 380 IPC (Section 120-B IPC added later on), registered at Police Station Sandaur, District Sangrur.*

*Counsel would submit that the complainant is Babu Singh and the allegations have been made against his own daughter-in-law, namely, Baljit Kaur with regard to having committed theft of gold ornaments/cash on 28.09.2015 from her matrimonial home.*

*Arguments raised is that the FIR is a fall out of a matrimonial dispute as Baljit Kaur had been harassed by her husband and her in-laws. It is further contended that insofar as the present petitioner is concerned, his name does not even figure in the FIR and he is sought to be implicated only on account of being a distant relative of main accused, Baljit Kaur. Further submitted that main accused, Baljit Kaur has been granted ad interim protection as regards arrest by this Court in the light of order dated 04.02.2016 passed in CRM No. M-39712 of 2015.*

*Notice of motion, returnable for 28.04.2016.*

*On the asking of the Court, Mr. D.S. Virk, learned Assistant Advocate General, Punjab accepts notice. A complete copy of the petition has been furnished to learned State counsel in Court today.*

*To be listed along with CRM No. M-39712 of 2015.*

*In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.*

*In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C."*

Learned State counsel upon instructions from ASI Harjinder Singh would apprise the Court that the petitioners have since joined investigation. It is further stated that a recovery of 11 tolas of gold and cash of Rs.12,000/- has been effected from Baljit Kaur i.e. daughter-in-law of the complainant.

In the considered view of this Court, custodial interrogation of the petitioners, as such, would not be warranted. Accordingly, both the petitions are allowed. The order dated 26.11.2015 passed in CRM No. M-39712 of 2015 and order dated 23.4.2016, passed in CRM No. M-13330 of 2016, are made absolute.

Petitions are disposed of.

**(TEJINDER SINGH DHINDSA)**
**JUDGE**

**28.04.2016**
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