

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

**CRM No.M-8001 of 2016 (O&M)**

**Date of Decision : 26.05.2016**

Sham Lal

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mrs. Amarinder Verma, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

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**TEJINDER SINGH DHINDSA, J.**

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.2 dated 06.01.2016, under Section 380 IPC, registered at Police Station Kotwali Nabha, District Patiala.

On 04.03.2016, while issuing notice of motion, the following order was passed by this Court:

*“Counsel would contend that it is a clear case of false implication. It is submitted that the petitioner's sister namely Simran @ Swarna Devi was married to Ramesh Kumar i.e. brother of the complainant in the year 2010. It was a second marriage of both the parties. Matrimonial relations are stated to be strained and on account of which Ramesh Kumar had left the ancestral house, even though, his wife Simran @ Swarna Devi i.e. sister of the petitioner was still staying in the matrimonial home. It is contended that the allegations of theft of Jewelry and Rs.20,000/- cash have been leveled only to ensure eviction of Simran @ Swarna Devi from the matrimonial house.*

*Notice of motion, returnable for 26.5.2016.*

*In the meanwhile, petitioner is directed to join investigation.*

*In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ 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 would submit that even though the petitioner has joined investigation but the recovery of Rs.20,000/- and 10 tolas of gold is yet to be effected.

The objection raised on behalf of the State as regards recovery cannot stand in the way of the petitioner for grant of anticipatory bail since he has already joined investigation and it is his precise case that the allegation of theft of jewellery as also cash are totally false that is a matter to be considered during the course of investigation and subsequent trial.

Petition is allowed. Order dated 04.03.2016 passed by this Court is made absolute.

Disposed of.

**26.05.2016**

*shubham*

**(TEJINDER SINGH DHINDSA)  
JUDGE**