

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

CRM-M-29078 of 2017.  
Decided on:-21.08.2017.

Sheela.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

**CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.**

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Present:- Mr. L.S. Mann, Advocate  
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

**HARI PAL VERMA, J.**

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in the FIR No.124 dated 11.05.2017 under Sections 328 and 380 of the Indian Penal Code registered at Police Station Rania, District Sirsa.

As per the FIR, the case was registered at the instance of complainant Paramjit Kaur, who is doing the shop of clothes and ladies suits at village Ottu. On 11.05.2017 at about 3.00 P.M., 6-7 ladies including the petitioner had come to the shop of the complainant and asked her (complainant) to show ladies suits and clothes. While the complainant was busy in showing the ladies suits and clothes, one lady, out of the aforesaid ladies had asked her to show Chunni for girls and the complainant was

showing it, one of the accused had asked the complainant that she wanted to show the Chunni to her daughter, who was standing outside the shop. Thereafter, two ladies indulged the complainant in conversation. In the meantime, the lady, who had taken the Chunni outside the shop, came back in the shop and asked the complainant to give such type of Chunni for Rs.20/- each. The complainant felt intoxicated and in this process, the accused had taken away large quantity of clothes worth Rs.40,000/- to Rs.45,000/- from the shop of the complainant.

Learned counsel for the petitioner has argued that the petitioner has falsely been implicated in the case. Though three ladies suits were allegedly recovered from the possession of petitioner, but no bills have been produced by the complainant to show that those ladies suits are the same, which were stolen from the shop of the complainant.

Learned counsel for the petitioner has referred to ***Union of India through CBI Versus Nirala Yadav @ Raja Ram Yadav @ Deepak Yadav 2014(3) RCR (Criminal) 534; Pragyna Singh Thakur Versus State of Maharashtra 2012(1) RCR (Criminal) 302 and Som Nath and another Versus State of Punjab 2011(3) RCR (Criminal) 515*** and in the light of said judgments, he has argued that in view of Section 167(2) Cr.P.C., if the Challan was not put up within 60 days of the registration of FIR, this Court can straightaway grant bail to the petitioner instead of asking her to approach the Magistrate.

On the other hand, learned State counsel has argued that the petitioner was arrested on 22.05.2017 and the Challan was presented in the

Court on 20.07.2017. Therefore, the case of the petitioner does not fall within the ambit of Section 167(2) Cr.P.C. Further, on instructions from SI Dharam Pal, he has brought to the notice of this Court that the petitioner is an accused in six other cases of similar nature, particulars of which are as under:

1. FIR No.311 dated 05.07.2005 under Section 380 IPC, Police Station City Fatehabad.
2. FIR No.3 dated 04.01.2011 under Section 457/380 IPC, Police Station Safidon, District Jind.
3. FIR No.27 dated 21.05.2015 under Section 380 IPC, Police Station City Fatehabad.
4. FIR No.78 of 2016 under Section 380 IPC Police Station Siwani, District Bhiwani.
5. FIR No.483 dated 29.09.2015 under Section 380 IPC Police Station Fatehabad.
6. FIR No.539 dated 25.08.2015 under Section 380 IPC Police Station City Fatehabad.

I have heard learned counsel for the parties.

The argument of learned counsel for the petitioner that the petitioner is entitled for bail under Section 167(2) Cr.P.C. has no force as the FIR in question was registered on 22.05.2017 and the Challan was presented in the case on 20.07.2017 i.e. within the period of sixty days of the registration of the FIR. Moreover, the petitioner is an accused in six other cases of similar nature, which shows that she is a habitual offender and as such, she does not deserve the concession of regular bail in this case.

Therefore, this Court does not find any merit in the present petition for regular bail and the same is, accordingly, dismissed.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

August 21, 2017  
Yag Dutt

(HARI PAL VERMA)  
JUDGE

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|----------------------------|-----|
| Whether speaking/reasoned: | Yes |
| Whether Reportable:        | No  |