

**Sr. No.207  
IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**CRM No. M-10101 of 2018 (O&M)**

**Date of Decision: 26.04.2018**

Darshan Kaur

... Petitioner

Versus

State of Punjab

... Respondent

**CRM No. M-10213 of 2018 (O&M)**

Jarnail Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Jaswinder Singh, Advocate and  
Mr. Bhupinder Singh, Advocate,  
for the petitioner(s).

Mr. S.S.Sandhu, AAG, Punjab.

**TEJINDER SINGH DHINDSA, J.(ORAL)**

This order shall dispose of CRM No.M-10101 of 2018 (Darshan Kaur Vs.State of Punjab) and CRM No.M-10213 of 2018 (Jarnail Singh Vs. State of Punjab) as both these petitions have been preferred under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner(s) herein and arise out of the same FIR No.35 dated 11.02.2018, under Sections 451, 380, 506, 120-B IPC, registered at Police Station Sadar, Phagwara, District Kapurthala.

Petitioner(s) herein are husband and wife. Complainant

**CRM No. M-10101 of 2018 and other connected petition      2**

is Inderjit Kaur i.e. mother-in-law of the daughter of the petitioner(s) herein.

Both these connected petitions came up for preliminary hearing on 12.03.2018 before this Court and common notice of motion order was passed to the following effect:-

*“CRM-M-10101-2018 (Darshan Kaur Vs. State of Punjab) and CRM-M-10213-2018 (Jarnail Singh Vs. Sate of Punjab) are taken up together as both these petitions have been preferred under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners herein in case FIR No.35, dated 11.02.2018, under Sections 451/380/506/120-B IPC, registered at Police Station Sadar, Phagwara, District Kapurthala.*

*Petitioners herein are the husband and wife.*

*Complainant is Inderjit Kaur i.e. mother-in-law of the daughter of the petitioners herein.*

*Allegations essentially are in relation to an occurrence dated 03.08.2017 when the petitioners herein as also co-accused, Rashpal Kaur are stated to have been forcibly gained entry into the residential premises of the complainant and having taken away a large number of household goods including a refrigerator, cooler, fans, almirah etc.*

*Counsel would inter alia contend that it is a case of false implication and the complaint lodged by Inderjit Kaur is with a malafide intent. In this regard, it is urged that the dispute as also civil litigation was already pending between Rashpal Kaur and her husband Sukhdev Singh i.e. son of the complainant. Furthermore, civil litigation is also pending between Rashpal Kaur and Complainant, Inderjit Kaur and in which status quo order has also been passed.*

*Counsel has also adverted to the FIR which*

*refers to the police investigation and wherein it is mentioned that a number of household articles were found to have been removed by the accused party in a car bearing registration No.PB-10-2777. In this regard, counsel submits that as per documents procured, the aforementioned registration number is not pertaining to a car but in fact to a scooter. It has also been argued that the story put forth is not probable as the inventory furnished by the complainant with regards to the goods removed could not have possibly been taken away in a car.*

*Notice of motion, returnable for 26.04.2018.*

*In the meanwhile, petitioners are directed to appear before Investigating Officer and to join investigation.*

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

*A photocopy of this order be placed on the connected file of this case.”*

Learned State counsel upon instructions from HC Sukhdev Singh apprises the Court that petitioner(s) have since joined investigation.

That apart the observations made by this Court while issuing notice of motion have gone un rebutted.

Without making any observations on merits, prayer made in these two petitions is accepted.

Order dated 12.03.2018 in CRM No.M-10101 of 2018 and in CRM No.M-10213 of 2018, passed by this Court is made

absolute.

Petitions disposed of.

26.04.2018

(TEJINDER SINGH DHINDSA)

vandana

JUDGE

Whether speaking/reasoned

Whether Reportable

Yes

No