

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Hemlata
2018.04.07 10:54
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CRM-M-13421-2018(O&M)

Date of decision: 06.04.2018

Nankai

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Hemant Bassi, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') is for grant of regular bail to the petitioner in case FIR No. 17 dated 15.01.2018 for offences under Sections 392, 34 of IPC (Sections 148, 395, 149 of IPC added later on), registered at Police Station Model Town, Ludhiana, District Ludhiana.

Learned counsel for the petitioner submits that as per allegation in the FIR, 04 persons committed the offence of robbery at the residence of the complainant, out of whom, the complainant has named her servant- Rajesh @ Chhotu that he has called three other persons at the residence of the petitioner. Counsel for the petitioner further submits that after arrest of co-accused-Niranjan, on his disclosure statement name of the petitioner surfaced and recovery of Rs.9, 02,000/- and 40 grams gold was effected. Counsel for the petitioner further submitted that in fact, husband of the petitioner, namely Jawahar Lal is one of the accused who has kept concealed the said amount and gold and since he is not arrested, the same has been shown in the possession of the petitioner.

Learned State counsel, on instructions from ASI Malkiat Singh, submits that as per CCTV footage, four persons have been identified and declared as accused in the present FIR, including the husband of the petitioner -Jawahar Lal. It is further submitted that on the disclosure statement of Niranjana, the police party went to the place of residence of the petitioner from where the aforesaid recovery was effected. However, three more accused including husband of the petitioner are yet to be arrested.

Learned State counsel, on instructions from the Investigating Officer, has however, not denied the fact that except for the recovery of the stolen articles, there is no allegation against the petitioner. It is further stated that challan is ready and the same will be submitted soon before the trial Court.

Without commenting on the merits of the case and considering the fact that the petitioner is not one of the four main accused and the allegation against her are only pertaining to recovery of stolen articles; she being a lady and in custody since 05.02.2018 and is no more required for further custodial interrogation; the present petition is allowed. The petitioner is ordered to be released on regular bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved in misusing the concession of bail, in any manner .

(ARVIND SINGH SANGWAN)
JUDGE

06.04.2018
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No