

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12407 of 2020
Date of Decision: 29.07.2020

Tejinder Kaur

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vineet Chaudhary, Advocate,
for the petitioner.

Mr. Munish Bansal, DAG, Haryana.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'anticipatory bail', upon FIR no.252, dated 24.07.2019, having been registered, alleging therein the commission of offences punishable under Sections 380 and 457 of the IPC.

When this petition initially came up for hearing on 15.05.2020 before a co-ordinate Bench, the following order had been passed:-

“Learned counsel for the petitioner contends that the petitioner is not named in the FIR and has been falsely implicated. He also contends that it is highly improbable that the petitioner would have committed theft especially when she is 45 years old lady and is working as teacher in a school.

Issue notice to the respondent returnable on 16.07.2020.

In the meantime, the petitioner is directed to appear before the investigating/arresting officer and join investigation. In the event of her arrest, the investigating/arresting officer shall release the petitioner on ad interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

Thereafter when the petition came up for hearing on 16.07.2020, the following order had been passed:-

“Mr. Anant Kataria, learned Deputy Advocate General, Haryana, states that recovery is yet to be effected and seeks time to verify as to whether the petitioner is cooperating with the investigation.

Post on 29.07.2020.”

Today, Mr. Bansal, learned DAG, Haryana, submits on instructions, that though the petitioner has joined investigation, she is not cooperating, inasmuch as the jewellery alleged to have been stolen from the house of the complainant, has not been got recovered from her.

Learned counsel for the petitioner, on the other hand, counters by submitting that in fact the petitioner has been falsely roped in in the FIR, with her name also not given therein, and that the petitioner being a teacher (as already recorded in the first order passed by this court), she would not be indulging in looting or theft.

Mr. Bansal however submits that the petitioners' name has been specifically disclosed by one Kartar Singh who had been arrested in another criminal case registered, and who is alleged to have disclosed his involvement in the present case as also that of the petitioner, to whom he stated he had sold the jewellery.

Without making any comment on the actual merits of the case, since

the name of the petitioner is stated to have been disclosed in the aforesaid circumstances by a co-accused, who again is alleged to have disclosed his own name also after he was arrested in another case, with there being no other criminal case registered against the petitioner as per instructions of learned State counsel, the petition is allowed, with the order dated 15.05.2020 made absolute.

July 29, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No