

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

**CRM M-13734 of 2020 (O&M)**  
**Date of Decision: June 02, 2020**

|                 |        |                 |
|-----------------|--------|-----------------|
| Seema Rani      |        | .....Petitioner |
|                 | Versus |                 |
| State of Punjab |        | .... Respondent |

**CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present : Mr. Sandeep Chopra, Advocate  
for the petitioner.

Mr. Sandeep Vermani, AAG, Punjab.

**FATEH DEEP SINGH, J. (Oral)**

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Mr. Sandeep Vermani, AAG, Punjab, puts in appearance on behalf of the State on his own.

Petitioner Seema Rani is accused in case bearing FIR No. 35 dated 17.03.2020 under Sections 380 and 454 IPC,

Police Station Division No. 4, Patiala, District Patiala has come up in this first anticipatory bail application under Section 438 Cr.P.C.

The present case was registered on the statement of one Jagmohan Singh. In his allegations, complainant states that he alongwith his family had gone out of their home after putting up locks and when they returned on the next day, i.e. on 16.03.2020, evening, they discovered locks of their house were broken and cash amounting to Rs.10 lacs alongwith jewellery, i.e. two necklaces of gold, two ladies karas of gold, 4 ladies rings of gold, one gents gold ring, one ring of gold and diamond mix, 5 pairs of anklets of silver, 4 ladies karas of silver kept in almirah were missing leading to registration of the present case, in which, two accused non/applicant Aditya @ Bihari (nephew of present petitioner) and Subham were arrested.

During the interrogation, Aditya @ Bihari has made confessional statement that the petitioner too was involved and that he has handed over the part of the booty to her.

Mr. Sandeep Chopra, learned counsel for the petitioner *inter alia* contends that the petitioner is a lady and though accepts the relationship between Aditya @ Bihari and Seema Rani to be *Masi* and *Bhanja*, but claims that there is a family feud on account of which petitioner has been falsely

implicated and prays for grant of bail.

Mr. Sandeep Vermani, AAG, Punjab, learned State counsel has strongly opposed the bail on the ground that custodial interrogation of the petitioner is very much essential as recovery of the articles of theft is still to be made.

Going through the submissions of the two sides, admittedly, it is a case of theft at the back of the complainant. The only semblance of evidence that has come and conceded by the learned State counsel and, thus, a debatable issue arises over the legality and validity of such a piece of evidence. In the light of these circumstances, it is fit case of grant of bail. Accordingly, the petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so, she shall be released on bail to the satisfaction of the arresting/investing officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that she shall abide by the conditions specified under Section 438(2) Cr.P.C. Thereafter, she will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

However, it is made clear that upon the petitioner's joining the investigation and consequent upon recovery if any at her behest, the prosecution shall be at liberty for moving an

application for cancellation of bail.

The petition stands disposed off, accordingly.

June 02, 2020  
amit rana

(FATEH DEEP SINGH)  
JUDGE

Whether reasoned/speaking : Yes/No  
Whether reportable : Yes/No