

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

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IN VIRTUAL COURT

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**CRM-M No. 35540 of 2020
Date of decision : 3.11.2020**

Sarabjit Kaur

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Subhash Kumar, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.72 dated 12.4.2020, under Sections 379, 411 and 188 IPC, registered at Police Station Shahkot, District Jalandhar.

It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is only a house wife. She has no criminal record. It is further submitted that even bare perusal of the FIR shows that in the first instance, the complainant has not named any person who stole his potatoes. However, without any basis, thereafter, he has named several persons including the petitioner. Still further, it is submitted that the petitioner shall join the investigation. Hence, the petitioner deserves to be protected against her arrest.

Notice of motion.

Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice on behalf of the State.

The counsel for the State, being instructed by SI Sanjivan Singh, submits that the name of the petitioner is specifically mentioned in the FIR. Not only the petitioner, even her son has been found to be involved in the case. Even the recovery was effected from the son of the petitioner. Therefore, the petitioner cannot assert that the case against her is totally concocted. However, it is not disputed that there is no other case against the petitioner. It is also not disputed that there is no alleged eye witness who might have seen the petitioner also as one of the persons; who had stolen the potatoes of the complainant.

In view of the above, but without commenting any further on the merits of the case, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail subject to her furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

3.11.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No