

102

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.2518 of 2021 (O&M)

Date of decision: 19.01.2021

Sunita @ Suman

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Shakti Mehta, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.0209 dated 03.12.2020 registered under Section 381 IPC at Police Station Mataur, District S.A.S. Nagar.

Counsel for the petitioner has argued that the petitioner was working as a Maid servant in the house of the complainant for the last about 13 years on daily basis.

Counsel for the petitioner has further submitted that as per the allegations in the FIR, registered at the instance of the complainant Sher Singh Thakur, it is stated that the marriage of one of his daughter was fixed on 10.11.2019 and the complainant has kept his savings and shagun, etc. i.e. Rs.30.00 lacs approximately, in a locker inside his house. It is further stated in the FIR that on 10.09.2020, the complainant went to Shimla for private work and returned on 18.09.2020 and found that the money is missing. Thereafter, he enquired about the same from his wife and children, to which they stated that they have not taken any money from the locker and even

CASE HEARD THROUGH VIDEO CONFERENCING

never opened the same.

Thereafter, the complainant raised a suspicion on the petitioner and she was dealt with strongly and after 10 days, she had paid Rs.2.60 lacs back to the petitioner. However, committed theft of the remaining amount.

Counsel for the petitioner has argued that the FIR has been registered after a long gap i.e. on 03.12.2020 and in between, the petitioner has given a complaint to the Senior Superintendent of Police, Mohali, that the second daughter of the complainant is having a luxurious life-style and is fond of spending huge money. Even as per the FIR, at the first instance, the complainant raised a suspicion on his own wife and children when they have stated that they have not opened the locker. This fact show that the wife and children of the complainant have an access to his locker in his absence.

Counsel for the petitioner has further submitted that there is no explanation and keeping such a huge amount at home when the marriage of the complainant had already taken place way back in the month of November, 2019 and even thereafter, there is no explanation as to why the FIR was registered after a period of about 2½ months.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab who is present in the Court through video conferencing accepts notice on behalf of the respondent – State and submits that as per the version, the petitioner has returned some amount. However, it is not disputed that a complaint has already been given by the complainant to the Senior Superintendent of Police, Mohali.

CASE HEARD THROUGH VIDEO CONFERENCING

After hearing the counsel for the parties, considering the fact that it is a case where the complainant himself has demonstratively shown sheer negligence and has raised a suspicion on his own family members, which is reflected in the complaint given by him to the Senior Superintendent of Police, I deem it appropriate to grant the concession of anticipatory bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 10 days to join investigation and she shall be released on interim bail on furnishing bail/surety bonds subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

19.01.2021
yakub

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