

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-45283-2021 (O&M)

Date of Decision 12.11.2021

Harmeet Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Monty Goyal, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by HC Kuldeep Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.146 dated 17.6.2021 at Police Station Moti Nagar, Ludhiana, District Ludhiana under Sections 379 and 380 of Indian Penal Code.
2. The FIR in question was lodged at the instance of Balak Ram, wherein he has stated that he owns one house i.e. House No.165, Near Goushala, Jamalpur, Ludhiana measuring 40 Sq.Yds. comprising of 3 rooms and 2 kitchens and that while keeping one room in his possession, he had let out the remaining part of the house. It is alleged that he had kept his household articles including refrigerator in the room, which was in his possession. The complainant alleged that on 5.6.2021 when he went to the said room in order

to check his household articles he found that the lock had been broken and the household articles were missing. When the complainant asked about the same from his tenants, he could not get any information. Later upon making inquiries about the same, he came to know that his household articles had been stolen by Harmeet Kaur @ Rani resident of MIG Colony, Ludhiana, who had taken away the same in one auto rickshaw bearing registration No.PB-10HG-6874.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the true facts are that the petitioner had earlier been earning her living by singing 'bhajans' in 'Jagrata' but during pandemic she was constrained to work as a domestic help and had been working in the house of one Kanika Sahota. It has been submitted that said Kanika Sahota was having a civil litigation with the complainant in respect of the house in question i.e. House No.165 though the same is referred to as House No.165/A, Near Goushala, Jamalpur, Ludhiana in the civil suit (Annexure P-3). It has been submitted that the complainant in order to pressurize the plaintiff i.e. Kanika Sahota, employer of the petitioner, has levelled false allegations regarding theft of household articles including refrigerator etc., whereas infact the said articles had been shifted by the petitioner on asking of Kanika Sahota, who has also given an affidavit (Annexure P-2) in this regard.
4. Opposing the petition, learned State counsel has submitted that since the incident in question has also been recorded, which shows that the petitioner is removing the refrigerator from the premises in question, no case for grant of bail is made out. Upon a question being put to the learned State counsel as to whether the same had been removed during night time, the learned State

counsel informed that the video does not show that the same had been removed during night time or in a clandestine manner and that it is clearly shown that 4-5 people are loading it in auto rickshaw.

5. In view of the aforestated position, it will certainly be debatable as to whether the refrigerator in question had been stolen or as to whether the same belongs to Kanika Sahota on whose directions the same had been removed by the petitioner.
6. Having regard to the aforestated position, the instant petition is accepted and it is ordered that the petitioner, in the event of arrest, be released on bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

12.11.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No