

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

208

CRM-M-8419-2022

Date of Decision: 20.12.2022

RANJIT KAUR AND ANOTHER

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sarju Puri, Advocate for the petitioners.

Mr. Ferry Sofat, Addl. A.G., Punjab.

Mr. Aditya Dassaur, Advocate for the complainant.

SUVIR SEHGAL, J.(ORAL)

Vide the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.132 dated 14.12.2021, Annexure P-1, registered under Sections 406 and 498-A of IPC, 1860, at Police Station Sadar Banga, District SBS Nagar.

Upon instructions from ASI Ram Singh, State counsel submits that the petitioners have joined the investigation and major part of the recovery has been effected from them. He submits that as per the allegations levelled in the FIR, gold earrings are yet to be recovered.

Counsel for the complainant submits that the articles recovered are in a damaged condition.

Counsel for the petitioners, on the other hand, however, disputes the assertion of both the State counsel as well as counsel for the complainant.

Heard counsel for the parties.

Both the petitioners were released on interim bail by this Court vide order dated 19.07.2022 and they were directed to join the investigation. There is a dispute regarding entrustment and recovery of some gold articles. The disputed articles cannot be an obstacle in confirmation of the interim protection granted to the petitioners as has been held by the Supreme Court in Social Action Forum for *Manav Adhikar and another versus Union of India, Ministry of Law and Justice and others, (2018) 10 SCC 443.*

In view of the above, without examining the merits of the case, present petition is allowed and order dated 19.07.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

20.12.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No