

104

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16048-2022 (O&M)
Date of Decision:20.04.2022

Kavita @ Kavita Sharma

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.K. Choudhary, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.32 dated 25.03.2022 registered under Section 381 IPC at Police Station Shahpurkandi, District Pathankot, who apprehends her arrest at the hands of Police.

The FIR was registered on the statement of Kamla Kapoor and the allegations as noticed by the Id. Addl. Sessions Judge, Pathankot in the order dated 11.04.2022 are as under:

“The brief facts of the case are that FIR has been registered on the statement of Kamla Kapoor to the effect that she is a retired lady from Irrigation Department. She is living alone in her house. She has some problem in her back due to which she is unable to do house hold work. Kavita Sharma is working as her servant. On 14.02.2022 she withdrew a sum of Rs. 4 Lakh from her FD out of which she had transferred a sum of Rs 2 Lakh in the account of her younger daughter namely Iccha Bahseen and she kept the remaining amount of Rs 2 lakh in her Almirah. On 19.03.2022 when she opened the Almirah, then she found that amount was not in the said Almirah. She has full confidence that Kavita Sharma has stolen the same. The investigation was initiated and offence was made out under section 381 IPC.”

Learned counsel has argued that the petitioner has been falsely implicated as an accused only on the basis of suspicion, because she used to work as domestic help with the complainant, who retired from the Department of Irrigation. According to him, the complainant had allegedly withdrawn a sum of Rs.4 lacs from her account on 14.02.2022 and out of it, she had transferred a sum of Rs.2 lacs in the account of her younger daughter, namely, Iccha Bahseen and kept the remaining amount of Rs.2 lacs in the locker of the almirah and noticed the theft of the said money on 19.03.2022, but lodged the FIR after a long delay on 25.03.2022. He submits that in the given facts, the custodial interrogation of the petitioner may not be necessary and she is willing to join the investigation. He prays for anticipatory bail.

During the course of hearing, it is not disputed by learned counsel that the petitioner left her place of work on 17.03.2022 and thereafter, she never went to the house of complainant, but according to him, there was telephonic conversation with the complainant. Learned counsel has explained that father of the petitioner was not well, therefore, she had gone on leave to attend the ailing father.

After hearing the learned counsel for the petitioner and considering the above background, this Court finds that the petitioner being a domestic helper was working with the complainant, who abruptly absented from her work on 17.03.2022, therefore, considering the nature of offence and the place of occurrence, the custodial interrogation of the petitioner appears to be necessary to unravel the truth.

Resultantly, without meaning any expression of opinion on the merits of the case, this Court is not inclined to extend the extra ordinary

concession of pre arrest bail to the petitioner.

Dismissed.

20.04.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No