

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

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CRM-M-18975-2022

Date of Decision: 12.09.2022

Harpal Kaur & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Kumar, Advocate, for the petitioners.

Ms. Swati Batra, DAG, Punjab,
assisted by ASI Jaswinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.22 dated 26.3.2022, at Police Station Mehtiana, District Hoshiarpur under Sections 380, 457 of Indian Penal Code, wherein offence under Section 411 IPC was added later on.
2. At the time of issuance of notice of motion on 09.05.2022, the following order was passed:

“The petitioners, both of whom are ladies, have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.22 dated 26.3.2022, at Police Station Mehtiana, District Hoshiarpur under Sections 380, 457 of Indian Penal Code, wherein offence under Section 411 IPC was added later on.

The FIR was lodged at the instance of Gurwinder Kaur, wherein it is alleged that on 22.3.2022 someone broke into her house and stole laptop, silver ring, silver bracelet, silver chain, gold ring, artificial jewellery, mobile phone and unstitched suits. It is alleged that later upon

making inquiries she came to know that the said theft had been committed by Jagdeep Kumar of their village.

Learned counsel for the petitioners submitted that the petitioners are nowhere named in the FIR and came to be nominated subsequently solely on the ground that they happen to be mother and sister-in-law (Bhabhi) of the main accused Jagdeep Kumar. It has been submitted that Jagdeep Kumar, upon his arrest, is stated to have made a disclosure statement to the effect that he had handed over a gold ring and 5 unstitched suits to his sister-in-law (Bhabhi) Rajni Devi and a mobile phone to his mother Harpal Kaur.

Learned counsel for the petitioners submits that the petitioners have been nominated on the basis of disclosure statement of co-accused, which would hardly carry any evidentiary value and that apparently the complainant, with the help of police, has made an attempt to rope in the entire family of Jagdeep Kumar.

Notice of motion for 12.9.2022.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioners have joined investigation, but the recovery of articles in question has not been got effected. It has also been informed that the petitioners are not involved in any other case.
4. Having regard to the allegations and the fact that the petitioners have joined investigation and otherwise have a clean record, they deserve the concession of anticipatory bail. The contention of the learned State counsel that the petitioners have not got the articles in question

recovered, is not a ground for declining their anticipatory bail inasmuch the petitioners cannot be forced to get the articles recovered even if the said articles are in possession of the petitioners. The recovery of the articles virtually amounts to self-inculpatory. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 09.05.2022 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

12.09.2022

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**(GURVINDER SINGH GILL)
JUDGE**

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