

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

208

CRM-M-39976-2020 (O&M)

Date of Decision: 02.02.2022

Jyoti ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Rehat Bir Singh Mann, DAG, Punjab.

Mr. Munish Puri, Advocate, for the complainant.

(proceedings conducted through video conferencing)

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.231 dated 07.11.2020 at Police Station Division No.2, District Pathankot, under Section 381 IPC.
2. At the time of issuance of notice of motion on 02.12.2020, the following order was passed:

“Learned counsel for the petitioner contends that the petitioner was working as a domestic helper with the complainant and when she refused to work for him on account of ill health, she has been falsely implicated in the instant case.

Notice of motion for 6.5.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to her furnishing personal bonds and

surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the 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.”

3. Learned State counsel assisted by learned counsel for the complainant has opposed the petition and has submitted that the antecedents of the petitioner do not warrant granting any relief, as she is habitual of raising false allegations and later on compromising the matter. Learned counsel for the complainant in this regard, as drawn the attention of this Court to Annexures R-2/1, R-2/2 & R-2/3 and has submitted that the petitioner had leveled similar allegations against her previous employers and had later on compromised the matter. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, although the petitioner has joined investigation, but no recovery has been got effected by her and that while the stand taken by the petitioner is that she had already spent the money, but she has not got the gold ring recovered.
4. I have considered the aforesaid submissions addressed before this Court.
5. Having regard to the nature of allegations and while also bearing in mind that the petitioner has joined investigation and otherwise does not have any previous FIR against her, this Court would be inclined to extend the relief of anticipatory bail to the petitioner, who is a lady. Although the learned State counsel has vehemently

argued that no recovery has been effected from the petitioner and as such, she does not deserve the concession of bail, but it remains unexplained as to how the prosecution would be able to connect the recovery, if any of currency notes, as the same are not stated to have been marked or serial numbered. Even otherwise, this Court cannot force the petitioner to get the recovery effected.

6. Having regard to the totality of the facts and circumstances, the petition is accepted and the interim directions issued by this Court vide order dated 02.12.2020 are hereby made absolute subject to the condition that the petitioner 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.
7. Needless to mention, the alleged conduct of the petitioner in filing similar complaints against her previous employers shall be taken into account by the trial Court during trial provided such evidence is found to be admissible.

02.02.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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