

CRM-M-40440 of 2022

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

CRM-M-40440 of 2022
Date of Decision: 13.09.2022

Pooja Ghai

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. J.S. Dadwal, Advocate, for the petitioner.
Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.0202 dated 03.08.2022 registered under Sections 380, 120-B IPC at Police Station Division No.6, District Ludhiana.

Brief facts of the case are that present FIR has been registered on the basis of application moved by Ravi Kumar against the petitioner and Vikramjit Singh to the effect that he is having two children and has disinherited his daughter Pooja Ghai by giving notice in newspaper. He is having business of selling railway tickets which is approved from Government. His parents gave 30-40 tolas gold to him. In the year 2015-16 he came to know that his daughter (petitioner) came into contact with one Vikramjit Singh. In June 2016, 30 to 40 tolas gold along with cash was stolen from his almirah. He inquired about the same from the petitioner and Vikramjit Singh, who showed his revolver to the

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complainant and told that if any report is lodged, they will kill his family.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The story of the prosecution is totally concocted as the alleged incident is of the year 2016 and the FIR was lodged in the year 2022. Petitioner is ready and willing to join the investigation.

Per contra, learned State counsel opposed the present petition for grant of anticipatory bail to the petitioner.

I have heard learned counsel for the parties and perused the record.

Status report dated 12.09.2022 by way of affidavit of Jyoti Yadav, IPS, ACP, Industrial Area-B, Ludhiana, filed in Court today is taken on record. As per status report, petitioner applied for grant of anticipatory bail under Section 438 Cr.P.C. before the Additional Sessions Judge, Ludhiana, wherein she was ordered to join the investigation. However, the petitioner did not co-operate with the police. She did not disclose her correct address and also not got recovered any gold or cash. Therefore, her bail application was dismissed. Thus, it is clear that the petitioner has misused the concession granted by the trial Court. Moreover, eight more FIRs are registered against the petitioner, which shows that petitioner is a habitual offender.

As per law laid down in *State of Madhya Pradesh v. Pradeep Sharma (2014) 2 Supreme Court Cases 171*, power exercisable under Section 438 Cr.P.C. is somewhat extraordinary in character and it

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is to be exercised only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty.

Keeping in view the above facts as well as nature of the offence, the petitioner does not deserve the concession of anticipatory bail. Hence, the present petition is hereby dismissed.

September 13, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No