

210

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

**CRM-M-47980-2021 (O&M)
Date of Decision: 31.08.2022**

Harjit Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Gahlwat, Advocate,
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. J.S. Brar, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.116 dated 11.09.2021, under Section 380 of the IPC, registered at Police Station City Dhuri, District Sangrur.

It has been submitted by learned counsel for the petitioner that the petitioner was granted interim bail by this Court on 16.11.2021 and in pursuance thereof, now he has joined the investigation in view of the orders passed by this Court on 09.05.2022. He further submitted that the petitioner is a lady aged 29 years and she has been falsely implicated in the present case and since she has already joined investigation, therefore, the aforesaid order dated 16.11.2021 may be made absolute.

On the other hand, Mr. Amit Rana, learned Senior Deputy

Advocate General, Punjab, on instructions from H.C. Hardeep Singh has submitted that it is correct that now the petitioner has joined investigation. He has, however, stated that the allegations against the petitioner were with regard to the theft of 31 tolas of gold from the shop of the complainant, which has not been recovered as yet.

Mr. J.S. Brar, Advocate has caused appearance on behalf of the complainant and has opposed the grant anticipatory bail to the petitioner.

I have heard the learned counsels for the parties.

As per the learned State counsel, the petitioner has already joined the investigation. The petitioner is a lady aged 29 years. As per the contentions raised by the learned counsel for the petitioner at the time when notice of motion was issued by this Court and even today during the course of arguments, he submitted that the present FIR was lodged as a counter-blast to allegations levelled by the petitioner against the complainant, since the complainant had misbehaved with the petitioner when she visited in his shop for getting the job and that was the reason as to why the present FIR was lodged in which she was falsely implicated. The objection taken by the learned State counsel that the recovery of gold is yet to be effected, cannot become a ground for denial of bail to the petitioner, once she has already joined the investigation and it is yet to be ascertained as to whether the present FIR was a counter-blast or not.

In view of the aforesaid position, especially in view of the fact that the petitioner has admittedly joined the investigation, the present petition deserves to succeed.

Consequently, the present petition is allowed and the order

dated 16.11.2021, is hereby made absolute.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

31.08.2022

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |