

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12614-2023
Date of Decision:27.07.2023

Amajeet Kaur ...Petitioner

vs.

State of Punjab and another ...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Manu Loona, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 438 of the Cr.P.C. with a prayer to grant a anticipatory bail to her in case FIR No.12 dated 11.02.2023 registered under Sections 454, 380 of IPC at Police Station Arni Wala, District Fazilka.

The FIR in the present case was got registered on the basis of the complaint moved by Malkit Singh son of Mahinder Singh, neighbour of the petitioner with the allegations that on 08.12.2022, he was away from his house in connection with labour work and the present petitioner alongwith Sonu son of Sham Singh and Jot son of the present petitioner, committed theft of an amount of Rs.1,50,000/- and half tola gold ear rings from his house after committing house breaking by night. It was also mentioned in the FIR that the complainant was searching for thieves and could not submit an application about theft in the police station earlier and now he had come to know that this

theft had been committed by his neighbour Amarjit Kaur, petitioner, Sonu and Jot, son of the petitioner and prayed for legal action against them. With these broad allegations, the FIR in the present case was registered on 11.02.2023.

Learned counsel for the petitioner submits that as per the complainant himself, the theft had taken place in his house on 08.12.2022, whereas the FIR in the present case was got registered by him on 11.02.2023, after a delay of more than 2 months. Even the petitioner is the neighbour of the complainant and she has been falsely implicated in the present case by assigning her a false role. He further contends that the petitioner is a lady and deserves sympathetic consideration by this Court.

On the other hand, learned State counsel has vehemently opposed the grant of concession of bail to the petitioner on the ground that the petitioner is specifically named in the present FIR and recovery is to be effected from her.

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

It is not in dispute that the occurrence pertains to 08.12.2022 and the FIR in the present case has been got registered by the complainant on 11.02.2023 and has offered no valid explanation for delay in registration of the FIR. Apart from that, the complainant has stated that from his own sources, he had come to know that the theft was committed by the petitioner and two other co-accused, which is apparently unbelievable.

Without commenting on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C.

It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and she shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

Needless to say that the above observations have been made only for the limited purpose of disposal of the present bail application and the trial Court shall decide the matter on the basis of the evidence led before it during the course of trial, uninfluenced by the above observations.

27.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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