

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-16048-2023

Date of decision: 24.05.2023

Neetu and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Satbir Singh Gill, Advocate
for the petitioners.

Mr. Chetan Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.207 dated 23.02.2023 under Sections 380/454 IPC registered at Police Station Civil Lines Sirsa, District Sirsa.

2. Vide order dated 29.03.2023, the petitioners had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel inter alia contends that as per the allegations levelled in the FIR in question the complainant had caught both the petitioners, who were his domestic help, stealing from an almirah and on being caught they both after scuffling with the complainant managed to flee. Later the complainant found 05 Tolas of gold and Rs.2.50 lakh missing from the almirah. Learned counsel submits that the false implication of the petitioners in the alleged crime is clearly evident from the fact that despite the petitioners being caught by the complainant while committing the alleged crime, he still chose to sit quiet and lodged the FIR in question only after 11 days of the alleged occurrence.”

3. Learned counsel for the petitioners submits that in compliance of order dated 29.03.2023, the petitioners have joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from L/HC Parmila, PS Civil Lines Sirsa, does not dispute the factum of the petitioners having joined investigation. However, he submits that the petitioners have not fully cooperated with the investigating agency in returning the stolen articles.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Mere non-recovery of some articles could not be a ground to deny the concession of anticipatory bail to the petitioners once they have joined investigation in compliance of order dated 29.03.2023.

7. In view of the above, the petition is allowed and interim order dated 29.03.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

24.05.2023

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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