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2023 : PHHC : 079698
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24496-2023
Date of Decision: 31.05.2023

NIRMAL KAUR @ NIMMO

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Umesh Aggarwal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Ashish Aggarwal, Advocate for the complainant.

* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 438 Cr.P.C. is for seeking anticipatory bail to the petitioner in case FIR No.149 dated 18.04.2023 registered under Section 381 IPC, at Police Station Islamabad, Amritsar.

2 Briefly, the FIR has been registered on the allegations that the petitioner was working as a domestic help for the last 7 years in the house of Kamal Kumar Bhardwaj, complainant. The complainant and his family members had kept jewellery, cash and other valuables in the home locker. In the month of January 2023, the locker was checked and two tops were found to be missing from the locker. In 22.02.2023, the locker was again checked and two kitty sets, 4 rings, 2 bangles, one earring, bangles, one earring, one pair of tops, 2 pairs of earrings, one gold chain and cash amounting to Rs. 2 lakhs were found missing. Thereafter, the complainant had installed CCTV cameras in the house. On 17.03.2023, it was found that the petitioner was

opening the cupboard of the house and further opening the locker by climbing on the chair. The complainant became of firm belief that the theft in the house has been committed by the petitioner while working as a domestic help. The petitioner has also purchased 2 e-rickshaws and school van for her son-in-law after committing theft from the house.

3. Reply by way of affidavit of Surinder Singh, Assistant Commissioner of Police, Central, Amritsar City on behalf of the State has been taken on record.

4. Learned counsel for the petitioner contends that nothing was kept in the locker when the pictures were captured in the CCTV cameras. The son-in-law of the petitioner has purchased 2 e-rickshaws by raising loan from Harjeet Automobile and is paying monthly installment to the tune of Rs. 7,000/-. Furthermore, the petitioner has carried out some renovation in her house from the front side only.

5. Learned State counsel and counsel for the complainant have opposed the bail application on the score that at the earlier instance theft of substantial jewellery and cash was committed in the house of the complainant. The articles were stolen from the locker/almirah in the house. Without the knowledge of the petitioner, a CCTV camera was installed and the petitioner was found indulging in opening the locker by standing on a chair. The son of the petitioner is working as a mechanic of washing machines and they have also spent huge amount in renovation of the house. The photographs from the CCTV footage and the house of the petitioner from the front side have also been placed on record.

6. It is significant to note that the petitioner is working as a domestic help in the house of the complainant. There are allegations with

regard to theft of substantial jewellery and cash from the locker/almirah kept in the house of the complainant. CCTV cameras were installed without the knowledge of the petitioner and the CCTV footage depicted the petitioner opening the locker by standing on a chair. It will be too early to conclude that the son-in-law of the petitioner has purchased e-rickshaws from his own financial resources. The petitioner had allegedly been committing theft of cash and jewellery during different intervals and has utilised the amount in renovation of the house and purchase of 2 e-rickshaws for her son-in-law. There existed a relationship of faith and trust between the petitioner and her employer and the petitioner had allegedly committed theft in the house where she was working for a period of about 7 years, which aggravates the gravity of allegations against her. The matter requires thorough probe and investigation and no exceptional circumstances are made out to extend pre-arrest bail to the petitioner.

7. Dismissed.

31.05.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No