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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM M - 41105-2023
Date of decision: 21.08.2023

*Nasib Kaur**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Pardeep Singh Mirpur, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

1) This is a second petition filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory bail to the petitioner in case FIR No. 0144 dated 30.05.2023, registered under Sections 379, 506 and 34 of the Indian Penal Code, at Police Station Civil Lines Bathinda, District Bathinda (Annexure P-1).

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against her. To involve the petitioner in the present case, the complainant has fabricated the story alleging therein that the petitioner had stolen the bag of the complainant when he/she had come to stay in the house of the petitioner for one night. The said bag was containing cash amounting to Rs.2,50,000/- and one gold ornaments along with the certain identity documents like *Aadhaar* Card and PAN Card etc. While getting the FIR lodged against the petitioner, the complainant had not disclosed as to

from where she had got the money. Moreover, the FIR has been got registered after a delay of six days from the date of alleged occurrence. The petitioner shall join the investigation as and when required by the police. Hence, the petitioner deserves to be protected against her arrest.

- 3) Notice of motion.
- 4) Mr. Sandeep Singh, Additional Advocate General Punjab accepts the notice on behalf of the respondent - State.
- 5) Counsel for the State, being instructed from ASI Babu Lal has submitted that the petitioner is the main accused. She had stolen the bag of the complainant, containing the above said articles, when the complainant had come to stay in the house of the petitioner for a night. The petitioner is habitual offender, being involved in three more cases of similar nature. The investigation is at the initial stage. The police needs to recover the stolen materials and to unearth the true dimension of the crime committed by the petitioner. Therefore, the custodial interrogation of the petitioner is imperative in the present case.
- 6) Having considered the facts and circumstances available on the file, as well as, submissions made by counsel for the State, this Court does not find it appropriate to interfere in the matter, at this stage, so as to grant her concession of anticipatory bail.

Dismissed.

(Rajbir Sehrawat)
Judge

August 21, 2023

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	Whether reportable	:	Yes/No