

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

CRM-M-50120-2023

Date of Decision:02.11.2023

Gurnoor Sidhu

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Raman Kumar, Advocate for
Mr. S.K Passi, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 100 dated 17.08.2023, under Sections 454,380,506,342 of IPC and Section 25 of the Arms Act,1959 later on added Section 392,411,148,149 of IPC registered at Police Station Sri Anandpur Sahib, District Rupnagar (Ropar), Punjab Annexure P-1.

2. The FIR in the present case was registered on the basis of the statement made by Lakhwinder Kaur by alleging that on 06.08.2023, her husband had gone Chandigarh for personal work and stayed there in the night. She along with her children had slept after closing the main gate and door of the house. She woke up at about 04:00 AM and after cleaning inside and outdoor the house, she closed the main door. At about 05:00 AM, after paying obeisance towards Gurudwara Sahib of the village, she was standing in the courtyard of her house. When she moved to go inside the room, one person who was wearing mask, came inside the house and four other persons, who were also

wearing masks came inside the house. All these persons had looted ornaments and Rs.15,000/- from her by showing her the weapons. They also locked the complainant and the children in upper store room and fled away from the house. Later on, with these main allegations, the FIR was registered in the present case.

3. Learned counsel for the petitioner contends that even as per the case of the prosecution, five persons had allegedly committed theft at the house of the complainant and it has nowhere been alleged that a lady was accompanying them. Learned counsel further contends that the petitioner has been falsely involved in the present case, as the police suspected that the petitioner was having illicit relations with co-accused Jagpreet Singh @ Jaggi, who had allegedly gone with other accused to commit the crime. Learned counsel further contends that after the arrest, the co-accused namely Jagpreet Singh @ Jaggi, Joginder Singh and Gurvinder Singh @ Santi, the recovery of stolen articles were made from them and even the co-accused had never stated that the petitioner had accompanied those five persons, who had committed crime in the present case. Even the weapons of offence have been recovered from other co-accused and not from the present petitioner. Learned counsel further contends that the petitioner was arrested on 20.08.2023 and is in custody since then. He further submits that the petitioner is a lady and deserves sympathetic consideration by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had actively helped the main accused, after the commission of the crime. In fact, she tried to sell the stolen articles to Gurvinder Singh @ santi and was arrested by the police.

5. I have heard the learned counsel for the parties and with their able assistance, I have gone through the Court record carefully.

6. The petitioner is in custody since 20.08.2023 and after the completion of the investigation, the challan has already been presented by the police. Apart from that, even as per the case of the prosecution, no lady had accompanied the accused, who had committed theft in the present case. Still further, the petitioner is a first offender and is a lady.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on her furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

02.11.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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