

219-1

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M No. 53293 of 2023

Decided on: 15.11.2023

SUKHJIT KAUR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Divya Godara, Advocate  
for the petitioner.  
Mr. Subhash Godara, Addl. A.G., Punjab.  
Mr. Ranbir Singh Sekhon, Advocate for the complainant.  
.....

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 Cr.P.C  
the petitioner is praying for anticipatory bail in the event of arrest in FIR  
(Annexure P-1) detailed as under:-

| FIR No. | Dated      | Sections     | Police Station            |
|---------|------------|--------------|---------------------------|
| 0164    | 22.09.2023 | 380, 420 IPC | Makhu District Ferozepur. |

2. In nutshell the case putforth by the prosecution is that complainant Balkar Singh’s son Amarjit Singh was married to Sukhjit Kaur daughter of Chamkaur Singh who was residing in the complainant’s house from where some cash had been stolen, but he did not report. On 04.07.2023, at about 7 PM, Sukhjit Kaur picked wallet of the complainant and did not return. When complainant went to State Bank of India for withdrawal of money he found no balance in the account and on inquiry it was informed that amount was withdrawn through ATM from his account.

On 05.07.2023 Sukhjit Kaur went to her parental house and on 11.09.2023 she returned alongwith three persons and entered the house of the complainant and took ₹1,20,000/- alongwith gold ornaments from the house of the complainant and on investigation, complainant found that his daughter-in-law had relationship with one Baljit Singh, and in connivance with Baljit Singh money from complainant's account had been withdrawn and hence the FIR was registered.

3. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner happens to be the daughter-in-law of the complainant and had been living along with minor children in the matrimonial house till 29.07.2023 and there was some matrimonial discord between the parties and due to this reason, false FIR was registered. He submits that petitioner is ready to join the investigation and prays for grant of concession f bail.

4. Learned State counsel has filed the report submitted by way of affidavit dated 15.11.2023 of Deputy Superintendent of Police (Sub Division) Zira, the same is taken on record, copy thereof has been supplied to the counsel opposite.

5. Learned counsel for the State assisted by learned counsel for the complainant submit that during the investigation, it was found that Sukhjit Kaur and co-accused Baljit Singh were constantly in touch with each other and the same fact has been verified from their call details. Petitioner knew the password of the ATM of the complainant and gave the same to the co-accused Baljit Singh and by checking the CCTV footage, it is clear that co-

accused Baljit Singh used the ATM of the complainant and had withdrawn the money. They submit that no matrimonial dispute is registered before any police authority or any court of law against the complainant or his family. They submit that the petitioner played a vital role in crime and her custodial interrogation of the petitioner is required and hence prays for dismissal of the present petition.

6. After considering the rival contentions and perusing the record, it transpires that specific allegations against the petitioner levelled by the complainant Balkar Singh father-in-law that she had taken away his ATM Card along with mobile and some gold ornaments from the matrimonial house and that his ATM Card has been misused by the petitioner along with co-accused Baljit Singh for withdrawal of money amounting to ₹37,000/- from the Bank. There is CCTV coverage, specifically showing co-accused Baljit Singh coming out of the ATM at the relevant time. Besides, there were number of calls exchanged between the petitioner and co-accused Baljit Singh during the said period.

7. Therefore, considering the nature and gravity of offence, I am of the view that the petitioner does not deserve concession of anticipatory bail at this stage and as a consequent the bail application is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

**(SANJIV BERRY)**  
**JUDGE**

**15.11.2023**

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|     |                            |        |
|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |