

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

CRM-M-64929-2023

Date of Decision:22.12.2023

Balwinder Kaur

...Petitioner

Vs.

State of Punjab

...Respondent

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

Present: Mr. Ranbir Singh Sekhon, Advocate
for the petitioner.

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

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 438 Cr.P.C with a prayer to grant anticipatory bail to her in case FIR No.169 dated 23.11.2023 registered under Section 380 of IPC, Police Station Kabarwala, Sri Muktsar Sahib (Annexure P-1).

2. The FIR in the present case was registered on the basis of the statement made by Rajwant Kaur, complainant, who alleged that on 16.09.2023, she along with her husband, son and daughter-in-law visited Village Gurusar Jodha to attend the marriage of relative. On 20.09.2023, after performance of all the ceremonies of marriage, the complainant had kept the gold ornaments weighing about 12.5 tolas and Rs.20,000/- cash in her brief case and at that time Balwinder Kaur wife of Satnam Singh, the present petitioner and Lovepreet Singh @ Labbu were sitting near her, who had seen her keeping this gold and cash in her brief case. After that, all the family members had taken the dinner. However, she went to her room after taking dinner, the zip of suit case was found opened and on her checking, the gold jewellery and cash were

found missing. At that time, Balwinder Kaur wife of Satnam Singh, the present petitioner and Lovepreet Singh @ Labbu were not in the room and she made a noise. However, her brother-in-law, Gurmeet Singh told her that she should not raise a noise, as it will bring dis-respect to them. Later on, a Panchayat was held and Gurmeet Singh made a false assurance that he would return the money and gold ornaments, but it was not returned. Even, Balwinder Kaur and Lovepreet Singh neither return the jewellery nor the money to the complainant. Even, in the Panchayat, an assurance was made to return Rs.3.25 lacs to the complainant, which was also not returned to her. Ultimately, she was constrained to lodge the FIR against the petitioner and others.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and the petitioner had not committed any offence. Even there was unexplained delay of more than two months in registration of the FIR. He further submits that as per the Panchayati compromise only Gurmeet Singh was held liable to make the payment to the complainant and nothing was recovered from the present petitioner.

4. On the other hand learned State counsel has vehemently opposed the submissions made by learned State counsel on the ground that the petitioner along with her co-accused had stolen about 12.5 tolas of gold and cash of the complainant and the said gold and cash are yet to be recovered from the present petitioner and her co-accused. He further submits that since the matter was being negotiated within the family, the delay had occurred in reporting the matter to the police.

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

6. It is evident that the petitioner has been specifically named by the

complainant in the FIR. Even there was an assurance to the complainant that her gold and cash will be returned to them. However, the petitioner and her co-accused did not fulfil the compromise. Now, during the course of investigation, sufficient incriminating evidence has been found against the present petitioner and her custodial interrogation is required for effecting the recovery of 12.5 tolas (125 grams of gold) and the jewellery.

7. Findings no merits, the present petition is ordered to be dismissed.

22.12.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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