

CRM-M-9888-2024
Date of decision: 19.03.2024

Rashmi

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Yugank Goual, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.20 dated 02.02.2024 under Sections 381/411/120-B of IPC registered at Police Station City South, Moga, District Moga, Punjab.

On 23.02.2024, the following order was passed:-

‘The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.20 dated 02.02.2024 under Sections 381/411/120-B of IPC registered at Police Station City South, Moga, District Moga, Punjab.

In view of the resolution passed by the Punjab and Haryana High Court Bar Association, there is no representation on behalf of the petitioner.

A perusal of the pleadings indicates that the present FIR was lodged on the allegations that the petitioner was working in the nursing home of the complainant and over

*the years, she has been syphoning huge amount from the locker of the hospital and out of the same, she has purchased one residential house and constructed another house in Parwana Nagar Moga and also purchased one i10 Hyundai Car and she has purchased all the properties by stealing the cash from the locker of the nursing home. It is pleaded that the allegations contained in the FIR are not plausible as for the last 10 years no complaint whatsoever was ever made by the complainant regarding any stolen cash and the petitioner has purchased the plot in 2017 and the bank accounts of the petitioner have already been frozen by the Investigating Agency. The maximum sentence provided for the offences alleged to be committed in the present FIR is less than seven years and no notice under Section 41-A of Cr.P.C. has been served upon the petitioner. As such, in view of the ratio of law culled out in the judgment of the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51**, the petitioner is entitled for bail.*

Notice of motion.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on her doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit

the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 19.03.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.’

Learned State counsel on instructions from ASI Varinder Kumar, at the very outset informs the Court that the petitioner has joined the investigation and her custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 23.02.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

19.03.2024
Neha

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