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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11518-2025
DECIDED ON: 01.03.2025

PARKASHO

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kaushal Chahal, Advocate for
Mr. P.S. Sekhon, Advoate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 119 dated 26.12.2024 under Sections 318(2) ,3(5) of BNS, 2023 registered at Police Station Chamkaur Sahib, District Rupnagar (Ropar).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

"Copy of complaint no. 1109/by hand/P.S. CKS dated 26.12.2024, to the SHO P.S. Shri Chamkaur Sahib. Sir, it is requested that I Rajwinder Kaur wife of Avtar Singh am the resident of village Heyo P.S. Banga, District Nawanshahar and I am a home maker. On dated 21.12.2024 I along with my sister Manjit Kaur, my daughter Manpreet Kaur, my sister Amandeep Kaur had gone to Gurudwara Shri Katalgarh Sahib to pay obeisance. Thereafter I

went back to my house situated at village Heyo. When I reached back at my home then I checked my purse and found out that one small purse which was kept by me in my purse which was containing gold ornaments weighing 9 tola and silver ornaments weighing 10 tola was missing. I kept on searching my purse and again went back to Gurudwara Shri Katalgarh Sahib, when I checked the CCTV Footage then found out that at time around 03:25 PM when we were paying obeisance at the Gurudwara then four women out of them one woman who was wearing sweater of pink color and white suit had put her hand inside my purse and brought out my small purse out of it. Kindly take action against her. Sd/- Rajwinder Kaur, mobile no. 89687-95936. TO ASI Surinder Singh 806/R to take necessary action after investigation. Sa/- SHO P.S. Shri Chamkaur Sahib, dated 26.12.2024.

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner was not initially named in the FIR, but subsequently roped in on the basis of supplementary statement suffered by the complainant. He further submits that the petitioner never met the complainant in her entire life. He contends that there is a delay of five days in lodging the FIR. He undertakes before this Court on behalf of the petitioner that she is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that the petitioner has committed the theft of gold ornaments weighing about 9 Tola and silver ornaments weighing about 10

Tola lying in the purse of the complainant.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that there is a delay of 5 days in lodging the FIR and the petitioner was initially not named in the FIR added with the fact that no incriminating material has been put forth by the State to connect the petitioner with the alleged commissioning of offence.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein she has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief**

Hence, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

01.03.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>