



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.60626 of 2024
Date of decision: 16.01.2025

PARAMJEET KAUR AND ANOTHER

.... Petitioners

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Karanjeet Singh Brar, Advocate for petitioners.
Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. The present petition has been filed by the petitioners for grant of anticipatory bail in case FIR No.143 dated 26.08.2024 registered under Section 316(2) of Bharatiya Nyaya Sanhita, 2023 (for short-‘BNS’), at Police Station City Fazilka, District Fazilka.

2. Vide order dated 03.12.2024, passed by this Court, the petitioners were released on interim bail and were directed to join investigation. Order dated 03.12.2024, passed by this Court, reads as under:

“Prayer in this petition has been made by the petitioners for grant of pre-arrest bail in case arising out of FIR No.143 dated 26.08.2024 registered under Section 316(2) of Bharatiya Nyaya Sanhita, 2023 (for short-‘BNS’), at Police Station City Fazilka, District Fazilka on the basis of a written complaint filed by the complainant-Surjit Singh making allegations that petitioner No.1 who is her daughter-in-law along with petitioner No.2-Surjeet Singh @ Surjit Singh and his mother-Chhinderpal Kaur had taken away 5 tolas of gold jewellery kept in a locked box in their house and had criminally misappropriated the same. After registration of



the FIR, the investigation proceedings have been initiated and are under way. Apprehending their arrest, the petitioners had moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Fazilka vide order dated 25.11.2024.

It is argued by learned counsel for the petitioners that the petitioners have been falsely implicated in this case. In fact, it is a case of matrimonial discord between petitioner No.1 and her husband who is the son of the complainant and in order to oust the petitioner No.1 from her matrimonial house, a false story has been concocted against her. It is also argued that the ingredients for commission of the offences under Sections 316(2) of BNS have not been made out at all. The custodial interrogation of the petitioners is not required. They are ready to join the investigation. No recovery is to be effected from them. Therefore, it is urged that they may be extended benefit of pre-arrest bail.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

Adjourned to 16.01.2025.

In the meantime, the petitioners are directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of their arrest, the Investigating/Arresting Officer shall release the petitioners on ad-interim bail subject to his/her satisfaction. The petitioners shall also abide by the conditions as envisaged under Section 482(2) of BNSS.”

3. Learned State counsel has submitted that though the petitioners have joined the investigation on 09.12.2024, however they have not co-



operated with the investigating agency and no gold articles of the complainant had been recovered by either of them. It is well settled proposition of law that the criminal law process, especially while deciding applications for bail, should not be used for coercion or recovery of money and rather it should be based on merits of the case. The decisions in bail applications should not be made on the nature of accusation, severity of potential punishment and likelihood of an accused absconding. Reference in this regard can be made in *Dilip Singh vs. State of Madhya Pradesh and another, 2021(R) RCR (Criminal) 585* wherein, it was observed by this Court that a criminal Court exercising jurisdiction to grant bail/anticipatory bail, is not expected to act as recovery agent to realize dues of complainant without there being any trial. Further reliance can also be made to *Manoj Kumar Sood and Another vs. State of Jharkhand, Special Leave to Appeal (Crl.) NO.1274 of 2021 decided on 19.03.2021* wherein, it was observed that disputed dues cannot be recovered in criminal proceedings.

4. In view of this position of law, the petitioners cannot be denied bail only because of the fact that the disputed money has not been recovered by them. In my considered opinion, no useful purpose would be served by detaining the petitioners in custody. Hence, the present petition is allowed and order dated 03.12.2024 granting interim bail to the petitioners is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

16.01.2025
Jyoti-IV

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