

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:084756



106

CRM-M-30940-2026 (O&M)

Date of decision:27.05.2026

Saroj Rani

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kuldip Singh, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Karanjeet Singh Brar, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner seeking benefit of anticipatory bail in case arising out of FIR No.88, dated 07.05.2026, registered under Section 305 of the BNS and Section 3 of the Prevention of Damage to Public Property Act, 1984, at Police Station Sadar Jalalabad, District Fazilka.

2. The aforementioned FIR was registered on the basis of a complaint received from the office of Block Development and Panchayat Officer, Jalalabad, District Fazilka, alleging therein that construction work of some public washrooms in the library of the office of village Panchayat was going on and for that purpose construction material was being used. 2000 bricks and gravel kept at the site of construction had been found to be

stolen. On making inquiries, it was revealed that the petitioner and her husband Balwinder Singh had stolen the same. When they were confronted by the panchayat members then they started using abusive language and has extended threats. The village panchayat after passing a resolution, prayed for taking action against the petitioner and co-accused.

3. After registration of the FIR, investigation proceedings have initiated and are underway. Apprehending her arrest, the petitioner moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Fazilka vide order dated 19.05.2026.

4. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case on the basis of a false and concocted story. She had never visited the place of occurrence. There is delay of 03 months in lodging of the FIR. There is no eye witness to the alleged occurrence. There is no specific identification of the alleged stolen construction material. Her custodial interrogation is not required. She is ready to join the investigation. No recovery is to be effected from her. It is, therefore, argued that the petitioner deserves to be released on bail.

5. Notice of motion.

6. Learned State counsel has advance notice of the petition and is ready to argue the matter.

7. Memo of appearance on behalf of the complainant has also been filed and the same is taken on record.

8. Learned State counsel assisted by learned counsel for the complainant has argued that keeping in view the gravity of the allegations as

levelled against the petitioner and for recovery of stolen material, custodial interrogation of the petitioner is must. It is, therefore, stressed that the petition does not deserve to be allowed.

9. This Court has heard the rival submissions made by learned counsel for the parties.

10. The petitioner along with her husband is alleged to have committed theft of 2000 bricks and gravel which were kept by the Gram Panchayat of the village for the purpose of raising construction of washrooms. There is delay in lodging of the FIR, however, it has come on record that the matter had been kept pending before the Gram Panchayat and inquiry was conducted in to the matter. FIR was got lodged after passing of a resolution by the Gram Panchayat. The allegations against the petitioner are specific in nature. For the purpose of conducting a fair and thorough investigation into the matter, her custodial interrogation is required. It is well settled proposition of law that powers for grant of anticipatory bail should be exercised in exceptional and extraordinary circumstances and not in routine manner. No such circumstance, however, has been made out in this case. If the petitioner is given the shield of anticipatory bail that shall leave many glaring loopholes and gaps, thereby adversely affecting the investigation. The Court is also required to see that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. Accordingly, finding no compelling ground to allow the petition, the same is dismissed.

11. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

12. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

27.05.2026

harjeet

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

(MANISHA BATRA)
JUDGE