



CRM-M-10424-2024

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

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CRM-M-10424-2024

Decided on: 18.03.2025

Bittu and others

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Parveen Chauhan, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

Ms. Divya Gulati, Advocate for the complainant

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 438 of Cr.P.C. is for grant of anticipatory bail to the petitioners, who have been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station
1.Bittu 2.Shaina 3.Pinku	13	01.02.2024	381, 506 and 34 IPC	B-Division, Amritsar

2. On 13.02.2025, following order was passed:-

“1. In the present anticipatory bail petition, on 28.02.2024, following order was passed:-

*“Present: Mr. Parveen Chauhan, Advocate
for the petitioners.*

Apprehending their arrest in FIR No.13 dated 01.02.2024, registered for offences punishable under Sections 381, 506 and 34 of IPC at Police Station B-Division, Amritsar, the petitioners have preferred this



petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Petitioner No.1 was working as house help in the house of the complainant. Petitioners No.2 and 3 are daughters of petitioner No.1. As per the allegations levelled in the FIR, the informant claims that on 22.09.2023, he had kept an amount of Rs.4,50,000/- in cash in the lockers of the almirah. However on 13.10.2023, it was discovered that an amount of Rs.75,000/- was missing and on 30.12.2023, it was further discovered that some gold was also missing from the said almirah. It is not disputed that keys of the said almirah always remained with the informant, rather it is the specific content of the FIR, yet petitioner No.1 is being suspected.

State counsel does not dispute that apart from suspicion, there is no other cogent evidence at this stage.

Notice of motion for 25.04.2024.

Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioners shall join the investigation. They shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. As per the counsel for the petitioners, in pursuance to the order dated 28.02.2024, investigation has already been joined by the petitioners, yet on the other side, learned State counsel informs that though the petitioners have joined investigation, but nothing could be recovered from them, as they have not cooperated with the investigating agency.

3. List again on 18.03.2025.

4. Meanwhile, once again, petitioners are directed to join investigation and cooperate with the investigating agency. However, it is made clear that in case, it is found that petitioners are not cooperating with the investigating agency, the interim bail granted to them vide order dated 28.02.2024 shall stand cancelled on the next date of hearing.”

3. Learned counsel for the petitioners submits that in compliance of the order dated 13.02.2025 passed by this Court, petitioners have joined investigation.

4. Learned State counsel opposed the stand of learned counsel for the petitioner and submits that though the petitioners have joined



investigation but no co-operation is extended by them so far as recovery is concerned.

5. During the course of short hearing, learned counsel for the complainant pointed out some facts that complainant is 80 years of age and on 22.09.2023 bulk of the amount of Rs.4,50,000/- was placed by him in the locker of almirah. On 13.10.2023, it was noticed that an amount of Rs.75,000/- was missing and thereafter on 30.12.2023 again noticed that 40 *tolas* of gold is also missing out of total 68 *tolas*.

Admittedly, on 13.10.2023 itself, no action was taken by any of the family members, despite acknowledging the factum of shortfall in the cash amount and also of gold ornaments. FIR was got lodged on 01.02.2024 at the instance of complainant namely; Parminder Pal Singh by raising doubt against the petitioners for the first time.

6. Heard learned counsel for the parties.

7. Despite granting several opportunities during the course of hearing(s), nothing material has been pointed out by the complainant to disclose the basis of raising any doubt of committing theft against the petitioners. Another admitted fact is that apart the complainant, his son and daughter in law were also residing in the same house, but no doubt has been levelled against both of them.

8. Since no substances has been pointed out by the complainant in support of the doubt raised against the petitioners, who were working as house help in the house of the complainant, they cannot be subjected to custodial interrogation only on the basis of whims developed by the complainant. Also, keeping in view the fact that petitioners have already

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joined the investigation, present petition is allowed and ad-interim bail order dated 13.02.2025, is hereby made absolute.

However, petitioners shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

Besides, it is directed that petitioners would hand over their passports to the Investigating Agency or to Court concerned, if they possess. Otherwise, would submit an affidavit, disclosing the fact that they do not possess any passport.

It is also directed that before leaving country any time during trial, petitioners would seek prior permission of the Court.

9. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

March 18, 2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**