

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 25933 of 2015

Date of decision:- August 21, 2015

Sunita Sharma

....Petitioner

versus

State of Haryana

....Respondent...

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Arun Singal, Advocate,
for the petitioner.

Mr. N.K. Sharma, DAG, Haryana.

Mr. Naresh Kaushik, Advocate,
for the complainant.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Jaspal Singh, J.

This is a third petition moved under Section 439 of the Code of Criminal Procedure (for short, 'Code') by Sunita Sharma, now confined in District Jail, Karnal, seeking regular bail during pendency of trial in FIR No. 656, dated 01.08.2011, under Sections 384, 120-B, 195-A, 420, 467, 468, 471, 376(2) (G) IPC, under Section 7, 13, 49 of the Prevention of Corruption Act and Sections 3, 4 and 5 of the Immoral Trafficking Act, as earlier two petitions moved under Section 439 of the Code were dismissed as withdrawn vide orders dated July 15, 2014 and May 19, 2015 respectively.

2. Contention of learned counsel for petitioner is that petitioner has been falsely implicated in the instant case on the disclosure statement of other co-accused. No offence is alleged to have been committed by petitioner as per the contents of FIR. Moreover, occurrence is stated to have been taken place 4 months prior to the lodging of instant FIR. Petitioner is in custody since August 22, 2012. Investigation of the case has been completed and report under Section 173 (2) of the Code has already been presented. Petitioner along with her co-accused have been charge-sheeted to face trial vide order dated August 11, 2015 and disposal of trial is likely to take sufficient long time. Petitioner also undertakes to abide by all the terms and conditions imposed by this Court, in case, she is granted the concession of bail.

3. Per contra, learned State counsel as well as learned counsel representing complainant have strongly opposed grant of bail to petitioner. They have submitted that in fact, petitioner is master mind and is indulged in such like activities. She, in collusion with SI Partap Singh and some other persons; is indulging in extracting money by getting false case registered against innocent persons. Moreover, some other cases of similar nature have also been registered against petitioner. Thus, she does not deserve the concession of bail.

4. This Court has given an anxious thought to the rival submissions made by learned counsel for the parties and has perused the record.

5. Undisputably, SI Partap Singh as well as other co-accused of petitioner have already been granted concession of bail vide different

orders. Petitioner is in custody since August 22, 2012 i.e. for the last about 3 years. Charge in this case was framed on August 11, 2015 i.e. after three years of arrest of petitioner. Disposal of trial is not likely in the near future.

6. Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, this Court is of the considered view that it is a fit case to grant the concession of bail to petitioner. Accordingly, petition is allowed and petitioner is ordered to be released on bail during pendency of trial at the satisfaction of trial court/Duty Magistrate, Panipat.

7. However, it is made clear that if she is found involved in any such like nature of cases in future, prosecution shall be at liberty to move application for cancellation of bail.

August 21, 2015
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(JASPAL SINGH)
JUDGE