

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Crl. Misc. No. M-42930 of 2014 (O&M)
Date of decision : 23.02.2015

Namita GargPetitioner
versus

U.T. Chandigarh ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Sunita Punia, Advocate,
for the petitioner

Ms. Bhupinder Kaur, Advocate for
Mr. Sukant Gupta, Advocate
for U.T. Chandigarh

RITU BAHRI , J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner, in a case arising out of FIR No. 130, dated 19.03.2014, registered at Police Station Manimajra, U.T. Chandigarh, who has been booked for having committed the offence punishable under Sections 406/420/120-B IPC.

The allegation against the present petitioner is that she along with her husband i.e Rakesh Garg and Baldev Singh Dhillon were running a company in the name of M/s Easy Finance and induced many people to invest money with the said company assuring that they would help them earn return of more than 8% per month. On the inducement of the accused, complainants invested Rs.1.61 approximately in the firm of the accused.

The regular bail of the petitioner was declined on the ground that the petitioner along with her husband and Baldev

Singh had cheated the complainants to the tune of Rs.1.61 crores.

Learned counsel for the petitioner has submitted that the husband of the petitioner Rakesh Garg along with other two members executed a registered firm namely M/s Easy Finances, SCO 907, First Floor, NAC Manimajra, Chandigarh. This firm has three members i.e Baldev Singh Dhillon, Parminder Singh and Rakesh Garg (P-2). The present petitioner is neither the member of the firm nor the employee of the firm and has no connection with the business transaction of the firm. The petitioner was not getting salary from the firm. Thus, she could not be made liable for any profit or loss of the firm.

Learned counsel further submits that the amount of Rs.62.50 was deposited in the account of the petitioner by his brother i.e Sukhdev Singh Dhillon, who is real brother of one partner of Easy Finances namely Baldev Singh Dhillon but the said amount was transferred by her husband in his account through internet banking.

Reference has been made to certified copy of order dated 07.01.2015, which is taken on record as Annexure A-1, whereby the husband of the petitioner i.e Rakesh Garg was granted bail by the Court below, subject to his furnishing personal bonds and surety bonds of Rs.1 lacs each with the condition that the surety shall be the local resident of Chandigarh and the accused will not leave India.

As per order dated 07.01.2015, charges have been

framed and the trial is fixed for awaiting supplementary challan.

At this stage, nothing is to be recovered from the petitioner, who is in custody since June, 2014 .

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

Keeping in view that the petitioner is not a partner of the firm, who had accepted the deposits from the complainants and her husband has been granted bail on 07.01.2015, this court feels that there is no need to detain the petitioner any longer, Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail during pendency of the trial of the present case, subject to her furnishing personal bonds and surety bonds of Rs.1 lacs each to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Chandigarh, with the condition that the surety shall be the local resident of Chandigarh and the accused will not leave India.

23.02.2015
G Arora

(RITU BAHRI)
JUDGE