

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-24870 of 2015

Date of decision : January 12, 2016

Sushila Malik

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. J.S.Dahiya, Advocate, for the petitioner
Mr. Munish Sharma, AAG, Haryana

Fateh Deep Singh, J. (Oral)

The allegations in this fourth regular bail application under section 439 Cr.P.C. of petitioner Sushila Malik are that she along with other co-accused non-applicants had formed a Non Government Organization (in short referred to as 'NGO') under the name and style of Manav Sewa Sansthan and the petitioner became its President. This NGO entered into an agreement with Life Insurance Corporation of India for Micro Insurance for providing financial security to weaker sections of the society. Under this arrangement, IRDA regulations and instructions issued from time to time were to be followed. The Life Insurance Corporation prescribed policies

to 725 Anganwari Workers. From the poor workers, the petitioner along with her co-accused have been collecting money by way of premium and as a consequence had embezzled about Rs 7 crores.

The contentions of the counsel for the petitioner Mr. JS Dahiya, Advocate are that the petitioner is unwell and is in custody since 18.3.2013 and that the trial is not likely to be concluded in near future and that similarly placed co-accused have been allowed bail by this Court.

The State has vehemently opposed the prayer of the petitioner arguing that if allowed bail she would influence the witnesses who are testifying in the court and that the enormosity of the scandal do not call for grant of bail.

The stand of the petitioner that she is medically infirm due to ill-health is not substantiated as even the medical certificate produced by learned State counsel, received through ASI Haresh, Police Station City Jind, shows that she is only suffering from kidney stone. As has been contended by the State counsel, the certificate issued by the Deputy Manager, LIC, Rohtak shows that even as on date, Rs 1.65 Crores is outstanding against the accused which remains to be recovered.

The charges in this case have been framed, counsel for the petitioner could not make out convincing argument as to how there is change of circumstances or fresh ground for the grant of bail is made out. The apprehension of the State that if allowed bail, the petitioner will

influence the witnesses is certainly not uncalled for. There is no merit in the bail and the same is dismissed.

January 12, 2016

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**(Fateh Deep Singh)
Judge**