

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No. M-31001 of 2016

Date of Decision: 08.09.2016

Samrata Garcha

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Amjad Khan, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.62 dated 3.6.2016 under Sections 406, 420, 120-B and 506 of the Indian Penal Code, 1860 and Section 24 of the Immigration Act registered at Police Station Phase-11, District SAS Nagar, Mohali.

Learned counsel for the petitioner states that the petitioner was only working as a Receptionist in the alleged firm i.e. Bharti Education and Immigration Consultancy Services Private Limited and there is no allegation against her regarding entrustment of money to her. He further submits that since the petitioner is in custody since 15.6.2016 and trial in

the case will take sufficient long time, as examination of prosecution witnesses has not yet started, the petitioner be released on regular bail.

Learned State counsel submits that no doubt, the petitioner was working as a Receptionist and money was not entrusted to her, but she was instrumental in committing the illegalities in the firm. She used to falsely assure the people that their work would be carried out. He further states that as many as three more cases of similar nature are pending against the petitioner.

I have heard learned counsel for the parties.

It is not disputed that the petitioner was working as a Receptionist and thus, she was only an employee in the alleged firm. There is no allegation that money was ever entrusted to her by any of the complainants. Therefore, this Court feels that since the petitioner is in custody since 15.6.2016 and the trial will take sufficiently long time, as only charge has been framed, no useful purpose would be served to keep the petitioner in custody. Accordingly, the present petition is allowed and petitioner is admitted on regular bail subject to his furnishing of bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that expression made hereinabove shall not be construed as any opinion on the merits of the case.

September 08, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No

