

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-36817-2017

Date of decision: 15.12.2017

Asha Virmani

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Vishal Aggarwal, Advocate for
Mr. KD Sachdeva, Advocate for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 439 Cr.P.C., petitioner- Asha Virmani, has prayed for grant of regular bail in case FIR No. 284 dated 18.07.2014 registered under Sections 420, 406, 467, 468, 471 and 120-B IPC at Police Station Sarai Khawaja, District Faridabad.

2. According to the prosecution, the petitioner obtained a loan of ₹16,50,000/- from the complainant-Bank by mortgaging constructed portion raised over commercial plots No. 33 and 34, Shopping Center, Spring Field Extension No. 1, Faridabad, showing herself to be its owner, but on enquiry, it was found that the same has already been sold to third party. In this way, the Bank was cheated by the petitioner to the tune of ₹ 16,50,000/- along with up-to-date future interest.

3. Learned counsel for the petitioner *inter alia* contends that the fraud, if any, was committed by Vijay Arora, real brother of the petitioner

from, whom she had purchased the constructed portion of the aforesaid commercial property. In fact, Vijay Arora, aforesaid also stood guarantor for her and had obtained the aforesaid loan amount of ₹ 16,50,000/- by getting the cheque signed from the petitioner and, thus, she is also a victim of the fraud done by her real brother. The petitioner is in custody since last 5 months. Similarly situated six co-accused of the petitioner have been granted either anticipatory bail or regular bail. Conclusion of trial may take a long time. No useful purpose would be served by detaining the petitioner in jail.

4. On the other hand, learned State counsel vehemently opposed prayer for grant of regular bail to the petitioner.

5. Considering over-all facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Asha Virmani, is ordered to be released on bail pending trial, subject to deposit of the loan amount to the tune of ₹ 16,50,000/- with the complainant-Bank and furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

6. It is, however, made clear that the petitioner shall deposit the loan amount ₹ 16,50,000/- within a period of three months from today, failing which this order shall automatically stands cancelled.

December 15, 2017
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**