

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-41810 of 2017 (O&M)
Date of Decision: December 16, 2017.**

Malkeet Kaur @ Neena Sharma

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ram Kumar Saini, Advocate
for the petitioner (s).

Mr. Seena Mand, D.A.G., Punjab.

Mr. Saurav Bhatia, Advocate for
Mr. S.S. Rangi, Advocate
for complainant(s).

SURINDER GUPTA, J.(Oral)

CRM-40530-2017

This is application for placing on record orders as Annexure P-9 (Colly), which is taken on record subject to all just exceptions.

Application stands disposed of.

CRM-M-41810-2017

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.128 dated 08.05.2016 registered for the offences punishable under Sections 420, 467, 468, 471, 506 read with Section 120-B of Indian Penal Code and Section 24 of Immigration Act, at Police Station Zirakpur, District SAS Nagar Mohali.

Heard.

Challan in this case was presented on 23.08.2016. On perusal of the copy of orders placed on record by the petitioner, I find that the case is still at the stage of framing charge and adjournments have mostly been allowed till date as the co-accused, which were also in custody, were not being produced by the jail authorities.

Learned State counsel submits that in this case 85 passports and 38 original certificates of persons, who have contacted the petitioner for going abroad, were recovered from the possession of petitioner. There are 56 complainants in this case and the amount of ₹1 crore 25 lakh have been taken from them to send them abroad. Keeping in view the gravity of the offence, she has opposed the grant of bail to the petitioner.

Learned counsel for the complainant also submits that there are more than 70 other cases against the petitioner and for the lapse on the part of State by not producing the co-accused in custody before the trial Court, complainant could not be made to suffer.

While answering to the submission of learned counsel for the complainant, learned counsel for the petitioner submits that in all other cases petitioner is either on bail or matter has been settled or she has been acquitted.

In this case on perusal of interim orders, passed by trial Court, placed on file, I find that trial Court has been repeatedly directing to produce all the accused in custody and except for few dates, they have not been produced before the trial Court and no reason for non-production of the accused has come on record. Petitioner was arrested on 10.05.2016 and even after filing of challan on 23.08.2016, the trial has not proceeded

further and is still at the stage of framing of charge and vide order dated 05.12.2017, the trial Court has directed Aditya Bali, Rajan Bhardwaj and Neena Sharma(petitioner), who are in custody, to be produced on 19.12.2017.

In view all the facts and circumstances, I find that no purpose will be served by keeping the petitioner further in custody as the prosecution has not availed the opportunity of more than 15 months after filing of challan to proceed further with the trial.

Keeping in view the above facts, this petition is allowed. Petitioner Malkeet Kaur @ Neena Sharma is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

Copy of this order be sent to Director General of Police, Punjab for information and taking necessary action in the matter.

December 16, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No