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

CRM-M-5710 of 2017

Date of decision: April 17, 2017

Paramjit Kaur

.....Petitioner

Versus

State of U.T., Chandigarh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. S.K. Agnihotri, Advocate for the petitioner.

Mr. Amit Kumar Goyal, APP for U.T., Chandigarh.

Ms. Tanushree Gupta, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

This is a petition seeking grant of regular bail to the petitioner in FIR No.67 dated 23.09.2016, under Section 420 of the Indian Penal Code, 1860, registered at Police Station Sector 49, Chandigarh. The petitioner is in jail since the date of his arrest, i.e. 19.12.2016.

The prosecution case is that one Sunita and the petitioner had together, on the assurance to send the complainant abroad, obtained an amount of ₹24 lakhs and that was not paid back.

Learned counsel for the petitioner produced before me office order No.E-2/2017/6509-6516 dated 20.03.2017 (photocopy of which is taken on record and is marked as 'X' for identification).

The order shows that the petitioner has been put under suspension. This Court had expressed anxiety as to the Government servant like the petitioner indulging in the offence and still getting regular salary and working as a Teacher in the School. Be that as it may, the petitioner has been

put under suspension by virtue of the said order.

In so far as the aspect of regular bail is concerned, the challan has been filed.

Learned counsel for the U.T., Chandigarh has opposed the petition for bail to the petitioner on the ground that the offence is serious. He further states that there is one more case of similar nature against the petitioner.

Learned counsel for petitioner states that in that case the petitioner has been acquitted vide judgment and order dated 20.09.2016 in case PCH No.2991 of 25.09.2015.

Statement is accepted. The petitioner is in jail since 19.12.2016. The offences are triable by the Magistrate. There is no point in continuing detention of the petitioner as under trial in the light of the above discussion. Acting on the above statement, following order is passed:-

ORDER

- (i) CRM-M-5710 of 2017 is allowed;
- (ii) The petitioner shall be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. The petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well;
- (iii) District Elementary Education, Panchkula, Haryana shall exercise surveillance on the petitioner after her release on bail and shall take legal action after the conclusion of trial as per the result of the trial according to service rules.

(A.B. CHAUDHARI)
JUDGE

April 17, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No