

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

CRM-M No.31421 of 2018

Date of Decision: 01.08.2018

Sushila

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Puneet Bali, Sr. Advocate
with Mr. Vibhav Jain, Advocate
for the petitioner.

Ms. Tanushree Gupta, D.A.G., Haryana.

DAYA CHAUDHARY, J.

Prayer in the present petition is for grant of regular bail to petitioner-Sushila, in case FIR No.651 dated 23.10.2015 registered under Sections 406, 420, 506 IPC and Sections 4, 5(ii) of Prize Chits and Money Circulation Scheme (Banning) Act, 1978 at Police Station City, Sonipat.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case but as per case of the prosecution, neither specific averments are there with regard to her role nor it has been mentioned as to how much amount was misappropriated and when the amount was given. In the FIR, total 38 persons have been shown to be accused but specific roles have not been attributed. Learned counsel also submits that no offence under Sections 406 and 420 IPC is made out as no ingredients of aforesaid sections are made out by going through the contents of the FIR. The investigation of the case has already been completed and

nothing is to be recovered from the petitioner. The documents are in the custody of the Investigating Agency and there is no possibility that the petitioner may tamper with the evidence. The challan has been presented and the petitioner was arrested after 30 months of lodging of the FIR. The bail application filed by the petitioner was dismissed by the lower Court only on the ground that the investigation was pending and a report under Section 173 Cr.P.C was not presented before the Court. The second application filed by the petitioner was dismissed on the ground of seriousness of allegations. Learned counsel also submits that the petitioner is not defaulter as her name is not in the list of defaulters. She is in custody since 29.03.2018. The trial may take long time to conclude and no useful purpose would be served by keeping her in custody. Co-accused of the petitioner, namely, Nishi has been released on regular bail by the Additional Sessions Judge, Sonipat vide order dated 29.03.2016. Another co-accused, namely, Sulochna has also been released on regular bail while filing **CRM-M No.13298 of 2016** before this Court.

Learned State counsel has not disputed the custody period; stage of trial and also grant of regular bail to co-accused of the petitioner.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

Admittedly, two co-accused of the petitioner, namely, Nishi and Sulochna have been released on regular bail against whom same allegations are there. However, co-accused Sulochan was released on regular bail as she tendered a demand draft of Rs.1,50,000/- to learned counsel for the complainant as per order passed by this Court on earlier date

i.e 02.06.2016. Accordingly, no useful purpose would be served by keeping the petitioner in custody as the trial may take long time to conclude.

By considering the custody period and also the fact that two co-accused of the petitioner have been released on regular bail, the present petition is allowed and petitioner, namely, Sushila is directed to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court subject to her depositing an amount of Rs.one lac before the Registry of this Court within a period of two weeks from the date of receipt of certified copy of the order.

However, in case, the petitioner fails to deposit the aforesaid amount, she will not be entitled for the relief as granted by this Court.

01.08.2018
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No