

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-3931-2018  
Date of decision: 05.02.2018

Mamta Singla

... Petitioner

Vs.

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. Vineet Chaudhary, Advocate for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.82 dated 06.09.2017 under Sections 406, 420, 120-B IPC, registered at Police Station Naggal, District Ambala.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the petitioner was assigned the job of custom milling of paddy during the year 2015-2016 and after milling of the paddy crop, the petitioner has failed to return the entire milled rice and has committed a fraud of Rs.7,99,00,841/-. Counsel for the petitioner further submits that the petitioner is a lady and is in judicial lockup since 07.11.2017 and after availing the interim bail on account of death of her husband, she has again surrendered on 02.02.2018. It is further submitted that challan has been presented on 23.12.2017 and the petitioner is not required for any further custodial interrogation.

Counsel for the petitioner has further submitted that the offences are triable by the Court of Magistrate and in fact the entire business was looked after by husband (since deceased) of the petitioner and it will take long time in

conclusion of the trial, as the charges are yet to be framed. Counsel for the petitioner has relied upon **Manoranjan Singh Vs. CBI, 2017 (1) RCR (Cr1.) 1025**, where the Hon'ble Supreme Court has held that the detention of an undertrial prisoner for an indefinite period would amount to violation of Article 21 of the Constitution of India and mere fact that the accused who is facing a prosecution under Section 420 IPC regarding a chit fund scam of Rs.10,000 crores cannot be a ground to decline the bail.

On the other hand, learned State counsel has however opposed the prayer for bail on the ground that the petitioner being proprietor of M/s Kailash Agro Foods was assigned the job of rice milling by the complainant-Haryana Agro Industries Corporation Limited, Farmers Service Centre Ambala City and has committed a fraud of Rs.7,99,00,841/-.

Without commenting anything on merits of the case, considering the fact that the petitioner is a lady and her husband has since expired; she is in judicial lockup since 07.11.2017; investigation is complete and report under Section 173 Cr.P.C. has been presented; offences are triable by the Court of Magistrate and charges are yet to be framed, it will take some time in conclusion of the trial and also in view of **Manoranjan Singh's** case (supra), this petition is allowed and the petitioner is directed to be released on bail subject to furnishing her bail bonds and two heavy sureties to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.

[ **ARVIND SINGH SANGWAN** ]  
**JUDGE**

05.02.2018

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Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No