

CRM-M-15079 of 2019

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

CRM-M-15079 of 2019
Date of Decision: 09.05.2019

Asha Virmani

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Alok Jain, Advocate, for the petitioner.
Mr. Munish Sharma, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this second petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner in a case arising from FIR No.284 dated 18.07.2014 registered under Sections 420, 406, 467, 468, 471, 120-B IPC at Police Station Sarai Khawaja, Faridabad.

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.

Earlier petitioner was granted conditional bail by this Court vide order dated 15.12.2017 passed in CRM-M-36817 of 2017 on his deposit ₹16,50,000/- with the complainant-bank. However, she instead of

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complying with the said order, approached the Hon'ble Supreme Court vide SLP No.2234 of 2018 and finally withdrew the same on 03.12.2018. Since, petitioner did not repay the aforesaid amount of ₹16,50,000/- to the complainant within the prescribed period, therefore, she surrendered before the trial Court on 27.03.2018 and since then she is in custody.

Learned counsel for the petitioner *inter alia* contends that petitioner is in custody since last more than one year. Earlier also she remained in custody for around six months. Six co-accused of the petitioner have been enlarged on regular bail. Out of 29 witnesses, 18 have been examined, but still 11 witnesses remain to be examined. Conclusion of trial may take a sufficient long time. No useful purpose would be served by detaining the petitioner any more in jail.

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

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner is ordered to be released on bail during pendency of trial on the same parity as that of his co-accused, on her furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

May 09, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No