

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-15502-2019 (O&M)
Date of Decision:- 1.5.2019

Jaspreet Kaur ... Petitioner

Versus

State of U.T. Chandigarh ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Barjinder Singh, Advocate, for
Mr. Rakesh Gupta, Advocate, for the petitioner.

Mr. Rajiv Vij, Addl. P.P. U.T. Chandigarh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in case registered vide FIR No.3, dated 4.1.2019, registered at Police Station Sector 17, Chandigarh, under Sections 406, 420, 506, 120-B and 411 IPC.
2. The FIR was registered at the instance of proprietor of M/s NIKKA MAL BABU RAM (Jewellery Store), wherein it has been alleged that on 4.8.2018, Balbir Kaur and Jaspreet Kaur (petitioner) visited the complainant's showroom and selected certain jewellery amounting to ₹3.21 lacs and requested the Manager to accompany her to her house

at Kharar, for the purpose of payment, as she was not carrying cash.

It is alleged that the Manager accompanied the accused to her house in Kharar, where petitioner-Jaspreet Kaur handed over a cheque for an amount of ₹ 3.21 lacs to the Manager but the said cheque upon its presentation was dishonoured.

3. The learned counsel for petitioner has submitted that she has falsely been implicated in the present case and that even if the allegations as levelled in the FIR are taken to be correct, the case, at best would pertain to an offence under Section 138 of Negotiable Instruments Act.
4. Opposing the petition, the learned State counsel has submitted that the intention of the petitioner to cheat is manifest from the manner in which the jewellery was taken from the showroom without making any payment and a false representation was held out that the payment would be made later and that although a cheque for an amount of ₹3.21 lacs was handed over to the Manager of the complainant-firm but the cheque was dishonoured. It has however, been informed that the petitioner has been behind bars since the last about 3 months and 23 days and that the challan has been presented and the matter is now fixed for prosecution evidence. It has also been informed that the petitioner is also involved in two other cases.
5. Having regard to the facts and circumstances of the case and bearing in mind the fact that the investigation is already concluded and the matter is at the stage of recording prosecution evidence and also that the petitioner being a lady deserves some leniency, in my opinion, it

is a fit case for grant of regular bail. The petition, as such, is accepted and petitioner-Jaspreet Kaur is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

6. This petition stands accepted accordingly.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

May 1, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No