

CRM-M-53315-2019 (O&M)

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

**CRM-M-53315-2019 (O&M).
Decided on: December 18, 2019.**

Asha Devi

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Baljeet Nain, Advocate,
 for the petitioner.**

Mr.Sulinder Kumar, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short the 'Cr.P.C.'), seeking regular bail in FIR No.558 dated 19.6.2019, under Sections 406, 420 IPC (Sections 467, 468, 471 and 120-B IPC), registered at Police Station, City Thanesar, District Kurukshetra.

The basic allegations as per the FIR in the present case

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are that accused namely Parveen Sharma and Bala Devi and present petitioner Asha Devi have taken a loan from Allahabad Bank for an amount of Rs.23 lacs on the ground of their personal needs. The accused shown the documents relating to the property and thereafter on seeing all the documents and mortgaging the house, loan of Rs.23 lac was granted to them for their personal needs and they got sale deed registered bearing No.9813 dated 25.2.2016. Accused Nos.1 and 3, in connivance with the employee of the officer of Tehsildar got managed a forged rapat No.58 dated 21.12.2016 and submitted the same in the Bank.

The basic allegation against the petitioner is pertaining to criminal conspiracy to the effect that on the basis of false documents, loan has been obtained.

A perusal of the FIR would also show that the role attributable to the petitioner is pertaining to conspiracy and also regarding taking of loan on the basis of forged documents from the bank.

Learned counsel for the petitioner has argued that no role has been attributed to the petitioner in view of the fact that at the most her husband had taken the loan and that petitioner has been roped in the FIR for no reasons. Learned counsel for the petitioner further argues that not only the allegations in the FIR are vague but even otherwise also the petitioner can be granted the concession of regular bail as she is having two minor children and therefore, prays for the grant of regular bail.

Per contra, learned State counsel has argued that it is a

serious matter because the loan has been obtained on the basis of forged documents and huge loan amount of Rs.23 lac was advanced by the bank and therefore, the petitioner does not deserve the concession of regular bail.

I have heard the learned counsel for the petitioner as well the learned State counsel.

From the perusal of the FIR, it can be seen that although the allegations against the petitioner and other accused seem to be serious in nature to the extent that an amount of loan which was taken by the petitioner and other accused from the bank was about Rs.23 lac and that too allegedly based on forged documents. However, so far as the reading of the FIR is concerned, the husband of the petitioner had taken the loan and it seems as if the petitioner has been roped in on the basis of conspiracy.

This Court is not expressing any opinion on the merits of the case and the above observations are only on the basis of the submissions made on behalf of the parties, at this stage.

The Court has also to consider the fact that the petitioner is having two minor children and her prayer for regular bail in this regard is also to be considered. Apart from above, the challan has already been presented.

Considering the totality of the circumstance as aforesaid, I deem it a fit case to admit the petitioner on regular bail. Consequently, the petition is allowed. It is ordered that the petitioner shall be released on bail on her furnishing bail bond/surety bond to the satisfaction of the trial Court.

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However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case.

December 18, 2019.	(JASGURPREET SINGH PURI)
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Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No