

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 16.01.2020

1. CRM-M-16509-2018 (O&M)

Pooja

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM-M-29377-2018 (O&M)

Prem Lata

... Petitioner

Vs.

State of Punjab

... Respondent

3. CRM-M-29427-2018 (O&M)

Sanjay Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner (in CRM-M-16509-2018).

Mr. S.P.S. Sidhu, Advocate
for the petitioner (in CRM-M-29377-2018).

Mr. Ravi K. Mattoo, Advocate
for the petitioner (in CRM-M-29427-2018).

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. H.K. Sammi, Advocate and
Mr. Amit Gupta, Advocate
for the complainants.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in these three petitions is for grant of regular bail to petitioners Pooja, Prem Lata and Sanjay Kumar, in FIR No.255 dated 04.09.2017 under Sections 406, 420 IPC, registered at Police Station Tripri, District Patiala.

Vide order dated 02.07.2018 passed in CRM-M-16509-2018, noticing the allegations against petitioner Pooja as well as stage of the trial and that the main allegations are against her husband, who has since died, she was released on interim bail to explore the possibility of some settlement. Thereafter, vide separate orders of even date i.e. 23.07.2018 passed in CRM-M-29377-2018 and CRM-M-29427-2018, petitioners Prem Lata and Sanjay Kumar were released on interim bail, respectively and aforesaid orders, granting interim bail to the petitioners, are continuing and the case is now fixed for recording the prosecution evidence.

Learned counsel for the petitioners have argued that as per allegations in the FIR, the complainant was running a committee, in which petitioner Pooja, Prem Lata and Sanjay Kumar (brother of Prem Lata) were the members and have committed certain fraud. Learned counsel have relied upon the interim orders passed by the trial Court to show that several dates have been taken by the prosecution for recording of the evidence and still many witnesses

remain to be examined.

Learned State counsel, on instructions from ASI Gian Chand, has submitted that out of total 28 prosecution witnesses, 04 PWs have been examined.

Learned counsel for the complainants has, however, opposed the prayer for bail on the ground that interim bail was granted to the petitioners to explore the possibility of some settlement with the complainants. It is further submitted that only co-accused Sanjay Kumar has paid the amount, however, petitioners Pooja and Prem Lata have not paid the amount.

In reply, learned counsel for petitioners Pooja and Prem Lata have disputed their liability to make the payment.

Without commenting anything on merits of the case, considering the fact that the offences are triable by the Court of Magistrate and petitioners Pooja and Prem Lata have been granted the concession of interim bail, after 04 months of custody and also considering the stage of trial that out of total 28 PWs, only 04 have been examined, all these three petitions are allowed and the orders dated 02.07.2018 passed in CRM-M-16509-2018 and the order dated 23.07.2018 passed in CRM-M-29377-2018 and CRM-M-29427-2018, granting interim bail to the petitioners, are made absolute.

[ARVIND SINGH SANGWAN]
JUDGE

16.01.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No