

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

**CRM-M-19226 of 2020 (O&M)
DATE OF DECISION : 05.08.2020**

Shweta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Naveen Sharma, Advocate,
for the petitioner.

Mr. N.K.Banka, DAG, Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.288 dated 08.09.2018, registered under Section 420 IPC at Police Station Basti Jodhewal, District Ludhiana.

2. FIR has been registered on the statement of complainant Abhey Jain with the allegation that the petitioner has duped him of money, totaling about Rs. 10 lacs, on the pretext of arranging job for his grandson.

3. Learned counsel for the petitioner argues that petitioner is a housewife and mother of two school going children aged 8 years and 11 years respectively and has been falsely incarcerated at the instance of her alleged spurned lover i.e. Ribu Jain, who has been persisting on her leaving her matrimonial life and start living with him. He argues that the FIR has though been registered at the instance of his father. The complainant, on the other hand, does not have any direct grievance against the petitioner.

4. Be that as it may, the said argument at this stage is simply being noted only for the purpose of determining whether concession of bail is to be accorded or not.

5. Without commenting on the merits of the same, I am of the view that other mitigating circumstances are far more favorable to the petitioner than the said argument canvassed by the learned counsel for the petitioner.

6. The petitioner is stated to be in custody for the last six months under Section 420 of IPC essentially on the ground of cheques issued in favour of the complainant, which were dishonoured when presented. The petitioner was earlier granted the concession of anticipatory bail, however, after filing the charge-sheet in the course of trial proceedings, she absented in appearing before the trial Court, which led to issuance of non-bailable warrants against her. It is though alleged that the petitioner was never served with the said warrants and the same were also stage managed at the instance of her aforesaid lover i.e. Ribu Jain.

7. Learned counsel for the petitioner contends that non-appearance of the petitioner has never been intentional as would be borne out from the fact that she was in judicial custody when a direction was issued by the trial Court to present her in the course of hearing but yet, for the reasons at the instance of aforesaid Ribu Jain, she was not produced before the trial Court through Video Conferencing by the jail authorities. He contends that very little petitioner can do to present herself before the trial Court when she is in judicial custody and she is totally at the mercy of the jail authorities for doing the needful.

8. Notice of motion.

9. Mr. N.K.Banka, DAG, Punjab, who has joined the proceedings on service of advance copy of the petition, appears and accepts notice on behalf of State of Punjab.

10. On a query of the Court, learned State counsel does not controvert that challan has already been filed and investigation in the case is thus complete and no further custodial interrogation of the petitioner in the present case is required.

11. Having heard learned counsel for the petitioner, as well as learned State counsel, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars since investigation is already over and challan has already been filed. The petitioner is stated to be in custody for the last six months. The trial is not likely to commence or conclude any time soon on account of current pandemic conditions.

12. Given the fact that petitioner has already been behind the bars and her children are school going and are being deprived of their motherhood, which is essential for the healthy welfare and upbringing of the children and she is not required for any custodial interrogation and there is no likelihood of her absconding, she is entitled to concession of bail on that ground also.

13. In the premise, the instant petition is allowed. Petitioner is ordered to be released on bail on her furnishing bail bonds and surety bonds to the satisfaction of trial Court/Illaqa Magistrate/ Duty Magistrate.

14. Disposed of.

August 5th 2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No