

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

**CRM-M-48455-2019
Date of Decision: 25.02.2020**

Pinky Sharma

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bhriugu Dutt Sharma, Advocate
for the petitioner.

Mr. Balbir Singh Sewak, Addl. AG Punjab.

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VIVEK PURI, J. (ORAL)

Present petition has been filed for grant of regular bail in case FIR No. 71 dated 10.06.2019 under Sections 406, 420, 120-B IPC 1860 read with Section 24 of the Immigration Act, 1983 and Section 13 of the Travel Professional Regulation Act, 2014 registered at Police Station Navi Baradari, District Jalandhar.

Briefly, the facts of the case are that an FIR has been registered on the basis of the statement of Gurpreet Singh alleging that the petitioner along with the co-accused had received a sum of more than Rupees Ten Lakhs on the pretext of sending her daughter Manpreet Kaur abroad. It has been stated by learned counsel for the petitioner that she is a lady and the challan has already been presented against her and the co-accused have already been granted bail.

On the contrary, it has been pointed out by learned State counsel that the petitioner is a partner of 'The Study Express Company, Jalandhar' with her son Kapil Sharma co-accused. Kapil Sharma, son and Anita Sharma,

daughter-in-law of the petitioner are also the accused in the case and they have been declared proclaimed offender. It has also been pointed out that there are 29 FIRs registered against the son of the petitioner vide which he has duped numerous persons to the tune of crores of rupees.

Merely because the challan has been presented, it cannot be termed to be a circumstance to extend the concession of bail. The gravity of allegations and severity of sentence are also the significant factors which had to be looked into at the time of extending the concession of bail. The copy of the partnership deed, placed on record, indicates that the petitioner along with her son Kapil Sharma, co-accused is the partner of 'The Study Express Company, Jalandhar '.

Faced with this situation, it has been contended by learned counsel for the petitioner that the firm is a family concern being actively run by Kapil Sharma, the son of the petitioner, whereas the petitioner is not an active partner. The contention of learned counsel for the petitioner cannot be accepted as the terms of partnership deed indicate that the petitioner and her son Kapil Sharma are partners to the extent of 50% each and there is nothing to suggest that either of the partners shall be sleeping or active partner. Moreover, the petitioner had also issued a cheque to the tune of Rs. Ten Lakhs to the complainant to secure the re-payment of the amount and the same has been dishonoured. This is a significant aspect indicating that the petitioner is actively involved in the business affairs of 'The Study Express' along with her son.

The co-accused who have been granted bail are stated to be the employees of the said concern and as such, the case of the petitioner is not at parity with them.

Keeping in view the gravity of allegations, no justified grounds are made out to extend the concession of bail to the petitioner.

For the aforesaid reasons, the petition is dismissed.

25.02.2020

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No