

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-55381-2019 (O&M)

Date of Decision: 29.05.2020

Smt. Kismati Devi

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Namit Khurana, Advocate for the petitioner

Mr. Baljinder Virk, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

Notice of motion.

On the asking, Mr. Baljinder Virk, DAG Haryana accepts notice through video conferencing.

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Kismati Devi has filed the present petition for grant of regular bail to her. The petitioner is allegedly involved in case FIR No.288 dated 02.08.2019 under Sections 406/420 IPC registered at PS Narnaund, District Hisar.

Learned counsel for the petitioner submits that on 05.11.2019 the petitioner was arrested. She is 50 year old lady. He submits that because of COVID situation, her continuation/detention in jail is dangerous to her health.

On merits, he submits that the alleged agreement of 24.5.2017 is in fact a sham transaction.

Learned State counsel, however, submits that the allegations in the FIR are that the petitioner had taken Rs.15 lakhs from the complainant

and instead of executing sale deed in favour of the complainant, the petitioner has sold it to some other person and has also not returned the aforementioned amount.

Learned counsel for the petitioner, on the other hand, submits that the petitioner is ready to submit heavy security. Counsel also submits that the trial is likely to take some time.

In view of the peculiar circumstances as noticed above, the petitioner is directed to deposit the bank guarantee or furnish security of immovable property worth Rs.10 lakhs before the trial court. The trial court may further require the petitioner to furnish bail bonds/additional surety as it deems appropriate.

In view of the above, this Court deems it appropriate to release the petitioner on regular bail subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression on merits of the case.

Disposed of.

29.05.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No