

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

**CRM-M-2485-2021 (O&M).
Date of Decision: June 04, 2021**

NIRMALA DEVI Petitioner(s)

Versus

STATE OF HARYANA Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sukhbir Maandi, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner seeks concession of bail pending trial in FIR No.100 dated 01.04.2019 under Sections 406, 420, 120-B of IPC, registered at Police Station Pinjore, District Panchkula.

Allegations against petitioner and co-accused Vijay Kumari (non-applicant) are that they have submitted fraudulent documents and obtained loans from the bank. Present petitioner is alleged to have availed a loan of Rs.10 lakhs by submitting fraudulent documents.

Learned counsel for the petitioner submits that co-accused Vijay Kumari has been afforded the concession of interim anticipatory bail by a co-ordinate Bench of this Court on 10.12.2020 in CRM-M-41525-2020. Furthermore, petitioner who has been in custody since 29.10.2020, has

settled the matter with the bank (State Bank of India) from where the loan had been availed. Copy of a 'No Due Certificate' dated 15.05.2021 from the State Bank of India, Village Marranwala, Pinjore, Tehsil Kalka, District Panchkula, has been circulated on the WhatsApp group created for the purpose of video conferencing. It is, thus, prayed that this petition be allowed.

Learned counsel for the State has opposed this petition while submitting that petitioner is involved in two other similar cases.

Heard learned counsel for the parties.

Learned counsel for the State is unable to deny that co-accused Vijay Kumari, who is alleged to have availed loan of Rs.9.75 lakhs, after submitting fraudulent documents, has been afforded interim anticipatory bail on 10.12.2020 in CRM-M-41525-2020, which is pending adjudication. The present petitioner has been in custody since October, 2020. Challan/final report under Section 173 Cr.P.C. has been submitted. Petitioner has circulated copy a certificate dated 15.05.2021 certifying that the loan in question has been fully settled by the borrower in a compromise settlement and that nothing remains due towards the bank from the petitioner. Print out of the said certificate be taken and attached with this file. It is not denied that petitioner is on bail in the other two FIRs under Sections 406/420 IPC, pending against her.

There is no allegation that the petitioner is likely to abscond or influence witnesses. In view of the peculiar situation, which has been created due to the outbreak of the pandemic COVID-19 and the fact that trial in this

case is not likely to be concluded in the near future, no useful purpose would be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. Petitioner be released on bail pending trial subject to her furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate concerned.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

04.06.2021

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No