

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

Sr. No. 209(2)

CRM-M No. 11964 of 2021

Date of decision : 30.09.2021

Saroj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Bhupinder Ghai, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 890 dated 26.12.2019 registered under Sections 420/406/120-B IPC and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, at Police Station Model Town, district Rewari.

Briefly stated, the case of the prosecution is that an advertisement was published by M/s Solar Way Marketing India Pvt. Ltd. (for short – the Company) through which anybody who would deposit Rs.5 lakh and get a solar panel installed through the Company was to be paid twice the deposited amount and the person who would facilitate such deposit would be paid 7% commission. In pursuance of such advertisement many people made deposits with the Company but neither any solar panel was installed nor was their money returned. On complaints made by the duped persons the FIR in question was lodged.

Learned counsel for the petitioner contends that the petitioner, who is a 38 years old lady has been falsely implicated in the case; the petitioner is house wife and has been arrayed as an accused only because she is the wife of the main accused Somdev Khola - Chairman & Managing Director of the Company and sister-in-law of co-accused Prithviraj - Managing Director of the Company; the petitioner having passed only 10+2 examination and was thus not having any qualification or experience to run the Company of which her husband was the Chairman & Managing Director; in any case neither did she take part in any of the affairs of the Company nor did she hold any position in the same; the petitioner is in custody since 22.12.2020; she has cooperated during the investigation which has since been completed; no further recovery is required to be made from her; she cannot be made to pay for her husband's alleged sins/wrong doings and that the petitioner's trial which is yet to begin would take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner and her co-accused are alleged to have duped several persons of a cumulative sum of over Rs.300 crores and that the petitioner is involved in 7 other similar cases.

A perusal of the status report filed by the State reveals that the main thrust of the prosecution case is against the petitioner's husband and the petitioner's brother-in-law who were the Chairman & Managing Director and Managing Director of the Company, respectively. The alleged role, if any, played by the petitioner in the affairs of the Company would be gone into during the petitioner's trial especially when the petitioner did not

formally hold any office in the Company. However, the petitioner who is 38 years old lady having two children, is in custody since 22.12.2020; investigation in the case qua the petitioner is complete; no further recovery is required to be made from the petitioner and that the petitioner's trial which is yet to begin is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rewari the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

30.09.2021*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No