

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

**CRM-M-12640-2021
Date of decision: 08.11.2021**

Amarjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 453 dated 10.10.2020, registered under Sections 416, 419, 420, 468, 120-B of the IPC at Police Station Islamabad, Amritsar City.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Varinder Singh Rathore, Secretary of AICC, Incharge of Bihar, it is stated that he received a phone call from one Mukesh Kumar Singh that he is an aspirant of Congress Party ticket and he has been approached by a person named Kanishka Singh, who stated that he is calling from the office of Rahul Gandhi, M.P. and demanded some money from Mukesh Kumar Singh for securing a Congress Party ticket from Barbigaha assembly Constituency. Later on, it was found that one Gaurav Kumar was impersonating as

Kanishka Singh. The impersonator gave an account number of Axis Bank, which belongs to the petitioner and in that process, Mukesh Kumar Singh recorded some conversation with aforesaid Kanishka Singh and later on Rs.15,30,000/- was transferred in the account of the petitioner and having failed to secure a party ticket, the present FIR was registered.

Learned counsel for the petitioner further submits that in fact the petitioner is a distributor of Airtel company and in that process, her number is circulated to a number of persons and there is no evidence that she in conspiracy with said Kanishka Singh has cheated the victim in any manner.

It is further submitted that petitioner is a lady; she is in judicial custody for the last 08 months and 28 days; she is not involved in any other case; the offences are triable by the Court of a Magistrate and the conclusion of trial is likely to take a long time.

Learned State counsel, on the basis of the custody certificate filed today in Court, has not disputed the factual position, however, it is submitted that the victim has deposited some amount in the account of the petitioner, for which, no explanation could be given.

It is further submitted that during investigation, it has come that one Gaurav Kumar was impersonating as Kanishka Singh and has demanded money from the victim, however, it is not disputed that investigation is complete; challan stands presented and the charges are yet to be framed.

After hearing learned counsel for the parties, without commenting upon the merits of the case, considering the facts that petitioner is in judicial custody for the last 08 months and 28 days; the

offences are triable by the Court of a Magistrate; petitioner is not involved in any other case and is a lady and also in view of the fact that conclusion of trial will take some time as even the charges are not yet framed, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

08.11.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No