

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

120

**CRM-M-20027-2021 (O&M).
Date of Decision: 07.09.2021.**

Aarti Tandon

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Karan Singh, Advocate for petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Mr. Kamal Narula, Advocate for complainant.

Lalit Batra, J.(Oral)

CRM-19610-2021 and CRM-22399-2021

Since the main case is fixed for today itself, both these applications seeking preponement of hearing of the main case have become infructuous and are disposed of as such.

Main Case

This petition under Section 439 Cr.P.C has been moved by petitioner-**Aarti Tandon** for grant of regular bail in case FIR No.281 dated 07.10.2018 under Sections 120-B and 420 IPC, registered at Police Station Division No.6, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urges that allegedly petitioner alongwith her husband co-accused Raj Tandon duped complainant-Seema

Kumari of Rs.28,00,000/- on the pretext of sending her and her son Daksh Kumar to Canada. He further submits that during preliminary inquiry by the Police, it was observed that Gurtej Singh had himself approached the petitioner to get Tourist visa and no money was misused by the petitioner. He further urges that petitioner has already been released on bail in case FIR No.128 of 2018 under Sections 120-B and 420 IPC and Sections 10 and 24 of Emigration Act, Police Station Daba, Ludhiana, vide order dated 11.05.2021 (Annexure P/5) passed by Additional Sessions Judge, Ludhiana. He further submits that petitioner is languishing in custody since 03.03.2021 and she is no more required by the Investigating Agency for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court on 30.04.2021 and trial has commenced. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and she may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

Learned counsel for the complainant has also vehemently opposed the cause of petitioner and stated that complainant was duped of Rs.28,00,000/- on the pretext of sending her and her son abroad and as such in view of seriousness of offence, petitioner is not entitled to be released on bail.

I have heard learned counsel for the parties and carefully gone

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 03.03.2021; that petitioner is no more required by the Investigating Agency for investigation purpose as after completion of investigation final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, she deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Aarti Tandon** is allowed and she is ordered to be released on bail on her furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Ludhiana, as the case may be.

(LALIT BATRA)
JUDGE

07.09.2021
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No