

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(219)

CRM-M-20989-2021
Date of decision:-26.07.2021

Sarita

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. R.N.Lohan, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Karanjit Singh, Advocate
for the complainant.

...

SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.62 dated 02.03.2021 under Sections 420, 406, 467, 468, 471, 384 and 120-B of the Indian Penal Code, 1860, registered at Police Station Civil Lines, Jind (Annexure P-1).

FIR (Annexure P-1) has been registered on the complaint of Ajay Pal on the allegation that he has been defrauded of Rs.35,10,809/- by the accused through online fraud.

Counsel for the petitioner urges that the petitioner, who is 34 years of age, is neither named in the FIR nor any role has been attributed to her. He submits that the petitioner has been arrayed as an accused on the basis of a disclosure statement of co-accused, which is inadmissible in evidence. It is his arguments that not even a single penny has been deposited in the bank account of petitioner and there is no material with the Investigating Agency to connect the petitioner with crime. He contends that the offence is triable by a Magistrate. He asserts that investigation qua the petitioner is complete, challan has been presented and the petitioner, who is in custody since 15.04.2021, deserves to be enlarged on bail.

Per contra, learned State counsel, upon instructions, from Inspector Sunil Kumar has opposed the petition. He is assisted by Mr. Karanjit Singh, Advocate for the complainant. Reference has been made to the status report filed by way of an affidavit of Investigating Officer, to submit that the prosecution has come across sufficient material to prove the complicity of petitioner in the crime, who has honeytrapped the complainant. As per his instructions, challan, which has been prepared on 06.07.2021, has been presented, though, the charge is yet to be framed.

Having considered the arguments addressed by counsel for the parties, this Court is of the opinion that the material collected by the prosecution is debatable and the petitioner is entitled to be released on bail during the pendency of the trial.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegations, gravity of offences and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting on the merits of the case, the petition is allowed and the petitioner-Sarita is ordered to be released on bail on her furnishing heavy bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

26.07.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No