IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

235 **CRM-M No.39508 of 2021**
Date of decision:27.10.2021

Sunita Choat ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

Mr. Sanjeev Kumar Arora, Advocate for the complainant.

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SUVIR SEHGAL J. (ORAL)

This is the second petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.48, dated 24.09.2020, Annexure P-1, registered for offence under Sections 420, 467, 468, 471, 120-B IPC, 1860, and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, at Police Station Arif Ke, District Ferozepur. The first petition (CRM-M-34123-2021) was withdrawn by the petitioner on 15.09.2021, Annexure P-5, with liberty to file a fresh one.

As per the case of the prosecution, FIR, Annexure P-1, has been registered on the complaint of Charanjeet Singh, on the allegation that Ajay Kumar assured that the nephew of the complainant and another boy will be sent abroad and deal was settled for a sum of Rs.42.50 lacs, out of which Rs.19 lacs were deposited in the bank accounts of Ajay in

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the year 2019. However, no development took place for a period of two years and on enquiry complainant came to know that Ajay had submitted forged documents of the boys with the Canadian Embassy resulting in rejection of their applications and ban for a period of five years. When Ajay, who had committed similar fraud with number of other persons, was confronted, he started threatening the complainant. Enire family of Ajay, including his mother, Sunita Choat (present petitioner), his father Harbhajan, and his sisters Pooja and Vandana as well as his wife, Sunita, are involved in the conspiracy.

By referring to the FIR, counsel for the petitioner has urged that the allegations levelled by the complainant as well as some other aggrieved persons, who had come forward during investigation, are primarily against Ajay, son of the petitioner. Insofar as the present petitioner is concerned, counsel submits that an amount of Rs.11 lacs was deposited in a joint bank account, Annexure P-3, of the petitioner and Ajay, out of which a sum of Rs.2 lacs has already been returned to the complainant. It is his argument that the petitioner, who is a 62 years old lady has been roped in as she is the mother of the main accused and is a soft target. In order to show her bona fide, but without admitting the allegations levelled in the FIR, counsel for the petitioner submits that the petitioner is willing to deposit a sum of Rs.5 lacs with the trial Court. Counsel asserts that the petitioner, who is in custody from 28.07.2021 and has unblemished antecedents, is no longer required for custodial interrogation as the investigation is complete, challan has been presented and the trial is likely to take time to conclude, therefore, petitioner deserves to be released on bail.

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Per contra, learned State counsel upon instructions from ASI Amarjit Singh, has opposed the petition. He is assisted by Mr. Sanjeev Kumar Arora, Advocate for the complainant. It has been argued on behalf of the respondent that the petitioner alongwith the entire family are involved in the racket of duping innocent people on the pretext of sending them abroad and they are all hand in glove with each other. As per the instructions of the State counsel, challan has been presented on 25.10.2021, though the charge is yet to be framed.

I have considered the respective submissions of the parties.

This Court is of the opinion that the complicity of the petitioner in the alleged offence would remain debatable and the petitioner, who is a lady of advanced age, with no criminal past, is entitled to be released on bail during the pendency of the trial, which is likely to take time to conclude.

Without commenting upon the merits or de-merits of the arguments addressed by the counsel for the parties, the petition is allowed. The petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Petitioner shall deposit a sum of Rs.5 lacs with the trial court at the time of her release on bail. The amount shall be deposited by the trial court in fixed deposit in a nationalized bank for a period of one year with instructions for automatic renewal and the amount alongwith accrued interest shall be disbursed in favour of the party found entitled to the same on the conclusion of trial.

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

27.10.2021 **(SUVIR SEHGAL)**
sheetal **JUDGE**

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

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