

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

201

**CRM-M No.35330 of 2020
Date of decision:15.02.2021**

Saloni Saluja

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mandeep Kaushik, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

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

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.202, dated 19.02.2020 registered under Section 10 of Emigration Act and Sections 406, 420 IPC, 1860, (later on Sections 467, 468 and 471 IPC were added) at Police Station Thanesar City, District Kurukshetra.

FIR has been registered on the basis of a complaint given by Satwinder Singh to the effect that the petitioner and co-accused have duped him for a sum of Rs.12,50,000/- on the assurance that they will send his brother, who had cleared IELTS, to Australia for higher education.

Counsel for the petitioner submits that there is no allegation of any entrustment to the petitioner nor of forging any document. He has argued that the petitioner is running a registered consultancy firm by the name of M/s Aussican Education Consultant at Ludhiana, whereas co-accused No.1 and 2 namely, Ravinder Singh and Vishal, are the persons behind the firm M/s New Direction Overseas, which is based at Kurukshetra. It is his argument that a perusal of the FIR shows that the amount has been demanded and paid on different dates to the said co-accused. The sole allegation against the petitioner is that when the complainant came with the co-accused to meet her at Ludhiana, she gave an assurance that the brother of the complainant will be sent to Australia and failing which, money will be refunded. He submits that the petitioner is a 32 years old lady and is in custody since the last more than seven months. According to the counsel, investigation is complete, challan has been presented, and the custodial interrogation is no longer required.

Per contra, learned State counsel upon instructions from SI Devender Kumar, has opposed the petition. He submits that the petitioner is involved in 20 other cases of a similar nature. By referring to the status report filed by way of affidavit of Deputy Superintendent of Police, Kurukshetra, he submits that the petitioner had returned a sum of Rs.1 lac to the complainant and issued a cheque of Rs.7 lacs, which was dishonored. He submits that the petitioner is a kingpin, whereas the co-accused are her agents. He has also referred to Para 7 of the status report. As per his instructions, challan has been presented on 10.08.2020 and charges under Sections 420, 467, 468 and 506 IPC have been framed on 14.01.2021. He further submits that 01 out of 19 prosecution witnesses

has been examined.

Counsel for the petitioner, however, submits that though the petitioner is involved in some other cases but he is on bail in four cases and petitions for grant of bail in some cases have been filed and are pending.

I have considered the rival submissions of the parties.

The petitioner has been charged with offences, which are triable by Magistrate. Keeping in view the nature of allegations, gravity of offence, period of incarceration and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the 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.

15.02.2021

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(SUVIR SEHGAL)
JUDGE

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