

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(214)

CRM-M-37826-2020

Date of decision:- 24.09.2021

Saloni Saluja

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL, J. (ORAL)

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

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.0156 dated 11.03.2020, registered under Section 10 of Immigration Act and Sections 406 and 420 of the Indian Penal Code, 1860 (Sections 467, 468 and 471, IPC, were added later on), at Police Station Thanesar Sadar, District Kurukshetra, Annexure P-1.

As per the case of prosecution, FIR, Annexure P-1, came to be registered on the complaint of Kuldeep Singh on the allegation that he paid a sum of Rs.10.90 lacs to Vishal, Ravinder, Saloni and Ram Inder for sending a relative, namely, Nitika, to Canada and the amount was transferred to two different bank accounts. However, when he did not get the visa and passport, he started pursuing the matter with the accused, who tried to avoid him. A complaint was submitted to the Superintendent of

Police, Kurukshetra, a panchayat was convened and the petitioner returned some money but they are refusing to return the remaining sum.

Counsel for the petitioner submits that the allegations in the FIR are against accused, Ravinder and Vishal and the amount has allegedly been transferred in the bank account of New Direction Overseas and M/s Paul Merchant Limited with whom the petitioner has no concern. By referring to the testimony of Kuldeep Singh, PW-1, which is taken on record as Mark 'A', counsel submits that in his cross-examination, the complainant has admitted that out of the total amount, Rs.10 lacs has been returned by Vishal and M/s Paul Merchant. It is his argument that now the balance due to the complainant is Rs.90,000/-. He submits that although numerous false cases have been foisted upon the petitioner, she is young lady of 32 years of age, she is no longer required for custodial interrogation as the challan has been presented, but the trial is not progressing, therefore, she deserves to be released on bail.

Opposing the petition, learned State counsel, upon instructions from SI, Rajpal submits that the petitioner is the mastermind behind the fraud and she is the one who is running the consultancy, and both accused, Ravinder and Vishal, are her agents. By relying upon the reply filed by way of an affidavit of Deputy Superintendent of Police, Kurukshetra, he submits that the petitioner is involved in 18 other cases and the accused have induced the innocent complainant to part with money on the basis of forged offer letter, visa and other documents. As per his instructions, challan against the petitioner has been presented on 06.08.2020, charge has

been framed on 12.01.2021 and one out of 20 prosecution witnesses have been examined, and accused, Raminder, who is the husband of the petitioner, is yet to be arrested.

Having heard counsel for the parties and keeping in view the fact that the petitioner is a young lady, the offence that she is charged with is triable by a Magistrate, she is suffering incarceration for the last more than one year and three months and the trial is likely to take time to conclude, she deserves to be enlarged on bail, during the pendency of the trial.

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

While being released on bail, the petitioner shall furnish an undertaking to the effect that she will not indulge in any criminal activity and that she will extend full cooperation to the trial Court for the early conclusion of the trial. In case, she violates the undertaking, it shall be open to the prosecution to seek cancellation of bail.

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

24.09.2021
Kamal

(SUVIR SEHGAL)
JUDGE

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