

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 223

CRM-M-45528-2021 (O&M)

Date of decision : 25.11.2021

Heena Ram Khayani

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Arun Luthra, Advocate, for the petitioner.

Ms.Harpreet Kaur, AAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.30 dated 21.01.2021 registered under Sections 406, 420 IPC (Sections 467, 468, 471, 201, 120-B, 384 IPC and Section 69-D of the Information Technology Act, 2000 added later on) at Police Station City Thanesar, District Kurukshetra.

Briefly stated, the case of the prosecution is that the petitioner, alongwith her co-accused, used to call job seekers; offer them assignments; then find fault in the execution of their work and then under threat of litigation extort money from them.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner, who is a 23 years old girl, has been falsely implicated in the present case; she is in custody since 13.07.2021; she does not face any other criminal case; investigation in this case is complete and therefore neither is the petitioner wanted for the same nor can she influence it; no further recovery is required to be made from her; the only evidence against the petitioner is the alleged disclosure statement by a co-accused made in police custody which is

inadmissible in evidence; the only recovery shown from the petitioner is Rs.5,000/- in cash which would not further the case of the prosecution in any manner whatsoever; even as per the alleged disclosure statement of the petitioner herself, she was only an employee and that the petitioner's trial, which is yet to commence, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner, alongwith her co-accused, has defrauded innocent job seekers.

The evidentiary value of the alleged disclosure statement of a co-accused and that of the petitioner as also whether the petitioner was only an employee would be debated during the course of her trial. However, the petitioner is 23 years old girl; she is in custody since 13.07.2021; she does not have any other criminal case pending against her; investigation in this case is complete and therefore neither is she wanted for the same nor can she influence it and that the petitioner's trial, which is yet to commence, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Kurukshetra, who shall insist on heavy local sureties, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

25.11.2021
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No