

In virtual Court

CRM-M-8416-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8416-2022 (O&M)
Date of decision: 04.03.2022

Sunita Rani @ Mamta Rani

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Priyavrat Parashar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.8 dated 02.06.2017 under Sections 406 & 420 IPC, registered at Police Station NRI, Mohali.

Learned counsel for the petitioner relies upon the order dated 17.02.2022 passed in CRM-M-6043-2022, vide which co-accused Sanjeev Kumar has been granted the concession of regular bail. The operative part of the order reads as under: -

“...Learned counsel for the petitioner would contend that the petitioner herein has falsely been implicated in the present case. In fact, the allegations that the petitioner herein had taken gold

articles of the complainant, is falsified as he had bought the said gold articles from Muthoot Finance in an open public auction. It is submitted that the matter has already been investigated and challan stands presented, therefore the custody of the petitioner herein would no longer be required.

Per contra, learned State counsel opposes the grant of regular bail by contending that the petitioner and his wife Sunita Rani had insisted upon the wife of the complainant to hand over the gold articles, so that it could be kept at Muthoot Finance Bank and after depositing the gold articles in the Bank, both the accused took loan on the same and transferred the said loan amount in to their own accounts. It is further submitted that as on date, recovery has not been effected from the petitioner herein. It is also submitted that the petitioner herein absconded after bail had been allowed to him in the year 2017 and came to be rearrested recently on 1st November, 2021. It is submitted that there is every likelihood that the petitioner herein would again abscond.

I have heard counsel for the parties and have also perused case file.

In view of the facts that the petitioner herein has been in custody since his re-arrest on 01.11.2021, and the matter having been investigated and challan presented, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition

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is allowed and the petitioner is directed to be released on regular bail on execution of personal bond and heavy surety bond to the satisfaction of concerned Illaqa Magistrate/trial Court besides making a condition in the release order that he would present himself before the Police Station concerned every week...”

Learned counsel for the petitioner submits that case of the petitioner is on similar footings; investigation is complete; challan stands presented and the petitioner is in custody for the last 04 months.

Learned State counsel, on the basis of custody certificate dated 03.03.2022, has not disputed the factual position, however, submits that charges have been framed.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

04.03.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No