

**225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-14690-2022
Date of Decision: 19.04.2022**

Babita Devi ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Katoch, Advocate
for the petitioner.

Mr. R.S. Arya, Addl. AG, Haryana.

JASGURPREET SINGH PURI, J.(ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.416, dated 28.07.2020 under Sections 420 and 406 of IPC, 1860 (Sections 467, 468 and 471 IPC, added later on) registered at Police Station City Bhiwani, District Bhiwani.

2. It has been submitted by the learned counsel for the petitioner that the petitioner is a lady aged about 65 years and is in custody from 22.02.2022. He submitted that the allegation in the FIR was that the other main accused namely, Chirag and some other co-accused had promised the complainant for job in the bank and had taken an amount of Rs.14,10,000/- and gave a fake appointment letter. He submitted that so far as the present petitioner is concerned, she is the mother-in-law of the main accused namely Chirag and she has been implicated only on the ground that some amount has been transferred in her name. Learned counsel further submitted that the

transaction if any, had been conducted by the main accused and therefore no adverse presumption can be drawn against the petitioner in this regard. He submitted that even otherwise also no recovery is to be effected from the petitioner and therefore, the petitioner may be considered for the grant of concession of regular bail.

3. On the other hand, learned State counsel has submitted that it is correct that the petitioner is a lady aged about 65 years and is in custody from 22.02.2022 and no recovery is to be effected from the petitioner. He submitted that it is also correct that the petitioner is the mother-in-law of the main accused namely Chirag.

4. I have heard the learned counsel for the parties.

5. The petitioner is a lady aged about 65 years and she is in custody from 22.02.2022. As per the allegation in the FIR itself, the role of the petitioner was that she had received some amount in her account from the account of the complainant. However, learned counsel for the petitioner has argued that no adverse presumption can be drawn at this stage that the petitioner was aware of such transaction because the same was being carried out by her son-in-law, who is the main accused in the present case.

6. Furthermore, it is not the case of the State that in case, the petitioner is released on bail then she may abscond or influence any witness or tamper with any evidence, particularly in view of the fact that the entire case is based upon documentary evidence coupled with the fact that the case is triable by the Magistrate.

7. Therefore, considering the totality of facts and circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the petitioner is

released on bail on her furnishing adequate bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

8. It is made clear that the aforesaid observations would not mean anything on the merits of the case, as the same are only for the purpose of deciding the present petition.

(JASGURPREET SINGH PURI)
JUDGE

April 19, 2022
Manpreet

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