

222

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17027-2022
Date of Decision: 23.05.2022

Upasana

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

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

The learned counsel for the petitioner has submitted that the petitioner is a lady aged 30 years and is in custody from 22.02.2022. He further submitted that the investigation of the case has been completed and thereafter, the challan has been presented under Section 173 of the Code of Criminal Procedure. He further submitted that the petitioner is not involved in any other case and has got clean antecedents. He further submitted that as per the allegations in the FIR itself the petitioner who is wife of one

Chirag who is one of the co-accused who had promised the complainant for getting a job and some documents were also delivered to him and thereafter, an amount of Rs. 3,10,000/- was transferred in the name of the petitioner. He further submitted that in fact the entire FIR is a concocted story in view of the fact that the complainant and the husband of the petitioner were having business relation with each other which turned sour and instead of availing any kind of civil remedy, the present story was concocted by the complainant and in fact no document was given to the complainant by the petitioner and her husband. He further submitted that the mother of the petitioner namely Babita Devi has also been granted bail in CRM-M-14690-2022 on 19.04.2022 and the other co-accused namely Darshan @ Leela has also been granted bail by the learned Sessions Court.

Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody from 22.02.2022 and challan has been presented before the competent Court. He further submitted that it is also correct that the petitioner is not involved in any other case. However, he has opposed the grant of bail on the ground that there was a transfer of an amount of Rs. 3,10,000/- in the account of the petitioner from the complainant and that the petitioner alongwith her husband had gone to the complainant and delivered some appointment letters which were found to be fake.

I have heard the learned counsel for the parties.

The petitioner is a lady aged 30 years and is in custody from 22.02.2022. The investigation of the case has been completed and challan

has been presented. The subject matter of the case is based upon documentary evidence. Learned counsel for the petitioner has submitted that the story was totally concocted because there was earlier business relationship between the complainant and the husband of the petitioner and because of which some amount was transferred in the name of the petitioner. All these issues are debatable which can be ascertained only at the time of trial. The two other co-accused namely Babita who is the mother of the petitioner and Darshan @ Leela has already been enlarged on bail. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then she may influence any witness or may tamper evidence or may flee from justice.

Therefore, without commenting on the merits of the case and considering the totality of circumstance, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

23.05.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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