

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

CRM-M-23569-2022(O&M)

Date of decision:-9.9.2022

Vinod Kumari

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Argued by: Mr.Anurag Jain, Advocate and
Ms.Kanupriya, Advocate
for the petitioner.

Mr.Vijesh Sharma, Addl.A.G., Haryana.

Mr.Yogesh Saini, Advocate
for the complainant.

H.S. MADAAN, J.

1. This second petition for regular bail has been filed by petitioner – Vinod Kumari, aged about 57 years, wife of Ramesh Kumar, resident of Krishana Nagar, Hisar - an accused in FIR No. 72 dated 21.2.2019, under Sections 406, 420 and 120-B IPC, registered with Police Station civil Lines, Hisar. The first petition filed by her bearing CRM-M-2626-2020 was dismissed vide a detailed order dated 12.3.2020. Vide that order petition for regular bail filed by her co-accused Parveen Kumar was also dismissed.

2. Briefly stated, facts of the case as per prosecution version are

that complainant Ram Gopal Jindal son of late Sh.Nanak Chand Jindal, resident of House No.1491, Urban Estate-2, Hisar, aged about 66 years had submitted a written complaint to Incharge, Police Post, PLA, Hisar against Kamal Nayan Minocha of Nation's Holy Co-operative (Urban) SETC Society Ltd., Congress Bhawan, Hisar that he was not returning his amount.

3. *Inter alia* in the complaint, the complainant submitted that he and his family members had deposited their money with the abovesaid concern; the amounts were being withdrawn from the account by them; on 1.2.2019 when he went to withdraw the amount from the society, he found the premises of society to be locked; on inquiry from the neighbourhood, the complainant came to know that Kamal Nayan Minocha along with his family had gone to Mumbai, where he was running transport company in which his family members were directors and he had invested the amount of depositors with the society in his transport business and rather he was planning to go abroad.

4. On the basis of such complaint, formal FIR was recorded. Both the petitioners were arrested on 5.11.2019.

5. The petitioner along with her co-accused had filed petitions for grant of regular bail in the Court of Sessions but were unsuccessful there. As discussed above, earlier they had filed petitions in this Court also but the same were dismissed. Now the petitioner has come to this Court again for the second time craving for the similar relief, which request is being resisted by the State counsel as well as counsel for the complainant.

6. I have heard learned counsel for the parties besides going through the record.

7. The petitioner is an aged woman of about 57 years stated to be not keeping good health. Although the first petition for regular bail filed by her was dismissed by this Court vide order dated 12.3.2020 and it was expected that the trial would be completed expeditiously, further the trial Court was directed to conclude the trial expeditiously by giving short adjournments. But as stated by learned counsel for the petitioner, no progress has been made in the trial so far and not even one PW has been recorded. In that way, there is no likelihood of the trial being completed in near future. The petitioner had been granted interim bail by the trial Court in view of the directions issued by this Court on account of Corona Pandemic and she had remained on interim bail for about 2 years. No complaint has been received that she had misused that concession. In view of the directions issued by this Court, she has since surrendered in the trial Court on 25.7.2022 and is now in custody.

8. Considering all these circumstances, I find that the petition deserves to be accepted. Therefore, the petition is allowed and petitioner be admitted to bail during the pendency of the trial, subject to her furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, Hisar subject to the following conditions:

- (i) she shall appear in the Court on each and every date of hearing;
- (ii) she shall not give any threat or intimidation to the prosecution witnesses;
- (iii) she shall not indulge in any criminal activity;
- (iv) she shall not leave limits of Hisar without informing the local police station and she would give details of her mobile phone and land-line phone number to the

Investigating Officer and would not use any other mobile phone or telephone number and she would furnish a declaration in that regard in the Court where bonds are to be furnished; and
(v) she shall surrender her passport before the Investigating Officer, if she has got one, otherwise to furnish affidavit in that regard

9. The Court accepting bonds would ensure that sureties furnished are local having documentary proof of immovable properties in their names situated within jurisdiction of the Court of the value double the surety amount. Photographs of the sureties, attesting witnesses and the accused be got attached on the bonds and copies of the title deeds be also got attached with endorsement made on the original title deeds with regard to the said person having stood surety for the accused in this case.

10. In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial. In case the petitioner violates any term and condition on which the bail has been granted to her, the prosecution would be entitled to apply for cancellation of bail.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

9.9.2022

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

(H.S.MADAAN)

JUDGE