

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24178-2022 (O&M)
Date of decision: 03.11.2022

Gurmitha Singh Gujral @ Guru

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mrs. Jaisleen Kaur, wife of the petitioner.

SI Amit Singh.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.22 dated 05.05.2021 under Sections 420, 120-B IPC and Sections 66, 66(C), 66(D) of I.T. Act, registered at Police Station Punjab State Crime Branch, SAS Nagar; earlier one was dismissed on 22.02.2022.

New ground for filing this second petition is that as on today, the petitioner is in custody for the last 01 year and 20 days; offences are triable by the Court of Magistrate; charges have been framed on 20.04.2022 and till date, out of total 22 prosecution witnesses, only 09 PWs have been examined, therefore, it will take some time in conclusion of the trial.

It is stated in the petition that the petitioner was nominated in the

FIR on the basis of disclosure statement of co-accused Preeti, who has already been granted the concession of regular bail by this Court vide order dated 20.12.2021 passed in CRM-M-52292-2021. The operative part of the order reads as under: -

“...Learned counsel for the petitioner submits that in the FIR registered on the complaint of Rajinder Singh Sandhu, it is stated that he had taken some insurance policies for his grandchildren, which are from HDFC Life, Birla Sun Life, Bharti Axa, Aegon Life and Future Gen Allianz. It is further stated that these policies were originally initiated by Amit Gupta from Mumbai, however, no one was servicing the account, therefore, the complainant stopped paying the premium. Thereafter, they started calling him that to revive the policies, he had to pay the money and the petitioner, by posing herself as Sonia, had made a phone call that she can help him in getting the money back and in that process, the complainant had paid Rs.13.00 lacs to co-accused Vipin Tomer in his bank account. It is further submitted that the petitioner is not the beneficiary in any manner and she was only working as an employee; investigation is complete and offences are triable by the Court of Magistrate. It is also submitted that the petitioner is a young lady aged about 28 years; she is in custody for the last about 03 months and there is no history of her involvement in any such or similar case...”

For the sake of brevity, facts are not reproduced again.

SI Amit Singh is present in the Court and submits that except the present case, the petitioner is not involved in any other case; he is in custody for the last 01 year and 20 days and out of total 22 prosecution witnesses, only 09 PWs have been examined so far. It is not disputed that the petitioner is not a beneficiary and has not received any amount from the complainant, as the amount was deposited in the account of co-accused Vipin Tomar and was withdrawn by another co-accused Kuldeep.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering aforesaid 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/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

03.11.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No