

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

**CRM-M-27189-2022.
Date of Decision: 15.7.2022.**

Saloni

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr.Randeep S. Dhull , Advocate
for the petitioner.

Mr.Tanuj Sharma, AAG, Haryana with
SI Jagdish Ram.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, cast under Section 439 Cr.P.C., the petitioner craves for indulgence of hers becoming admitted to regular bail, in respect of FIR bearing No.236 of 17.08.2020, registered at Police Station Agroha, District Hisar, constituting therein offences, under Sections 406, 420, 34, 467, 468, 471, 120-B of IPC, and, under Section 10 of the Immigration Act, 1983, and also under Section 3 of HPIDFE 2013.

2. The incriminatory role as assigned to the present bail petitioner, is that, she along with her husband on a false pretext of providing to the victim a VISA, in a sum of Rs.15 lacs, and, after theirs receiving in respect thereof, a sum of Rs.15 lacs, from the complainant, theirs neither providing

the VISA, to the victim nor returning the above sum to the victim.

Necessarily, the victim became duped qua the above sums of money. However, from amongst the above sum of Rs.15 lacs, only a sum of Rs.4.50 lacs became remitted into the account of the present bail petitioner.

3. The judicial custody of the present bail petitioner has commenced since 13.10.2020, and, though the above prolonged judicial incarceration of the present bail petitioner, is not required, to be prolonged any longer, as, thereupon, her personal liberty would become unnecessarily curtailed, and, fettered, yet, since she as on the above false pretext, duped the complainant of a sum of Rs.4.50 lacs, therefore, unless she makes deposit of Rs.1 lac, within a week in the establishment of the learned trial Judge concerned, disbursement whereof would become regulated by the outcome of the trial, thereupon, this Court may not become constrained, to accord the craved for indulgence of regular bail, to the present bail petitioner.

4. However, the learned counsel appearing for the present bail petitioner, on instructions given to him, submits that the present bail petitioner is willing to comply with the above condition, thereupon it becomes imposed upon her.

5. Nonetheless, at this stage, the learned State counsel opposes that according of the craved for indulgence, to present bail petitioner, as he submits that she is a habitual offender, and, that upon hers becoming admitted to regular bail, there is every likelihood that she may re-indulge in penal provisions. Be that as it may, the vigour of the above submission would become benumbed, upon this Court, making stringent conditions, upon, the bail applicant, inasmuch as her making an undertaking before the

learned trial Court, that she shall not re-indulge in any criminal activity, whereupon, on breach thereof, the benefit of regular bail, as granted to her shall become, ipso facto annulled, leaving liberty to the Arresting Officer, to forthwith arrest her, and, to thereafter, produce the bail applicant before the learned Magistrate concerned, for appropriate directions, vis-a-vis, an order of judicial custody being made, upon her.

6. Consequently, with condition (supra), the instant petition is allowed, and the bail applicant – petitioner is ordered to be released from judicial custody, on hers furnishing personal and surety bonds in the sum of Rs.25,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to hers not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also hers appearing before the learned trial Court concerned, as and when she is required to be making her personal appearances unless validly exempted.

7. It is further clarified that above order shall become effective if the bail petitioner is not required in any other case.

8. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

(SURESHWAR THAKUR)
JUDGE

July 15, 2022.
raj arora

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