

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 229

CRM-M-33906-2021

Date of decision : 21.02.2022

Saroj Bala

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Vishal Munjal, Advocate, for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Status report by way of affidavit of Shubham Aggarwal, IPS, Assistant Superintendent of Police, City Pathankot, District Pathankot, in compliance with the order of this Court dated 27.01.2022, filed in Court today is ordered to be taken on record.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.95 dated 10.06.2021 registered under Sections 420 and 120-B IPC at Police Station Division No.2, Pathankot.

Briefly stated, the case of the prosecution is that on the promise of huge returns, the petitioner and his co-accused accepted lakhs of rupees from the complainant but later refused to refund even the principal amount. It is further alleged that as full and final settlement the petitioner handed over to the complainant a cheque of Rs.62 lakhs which on presentation was dishonoured for lack of sufficient funds in the petitioner's bank account.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; she has already returned the entire amount accepted from the complainant and in this regard she has also filed a civil suit against the complainant seeking therein rendition of accounts; the FIR in question has been filed as a counter-blast to the aforesaid civil suit; the petitioner has already suffered

actual custody for over four months; she is suffering from various life threatening ailments; investigation in this case is complete and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

Learned State counsel admits to the serious medical condition of the petitioner but opposes grant of bail to her on the ground that she has committed fraud of over Rs.62 lakhs.

As per the medical certificate furnished by the State the petitioner is a case of type 2 DM with old CVA and severe anaemia with cerebral atrophy with medical renal disease with cholelithiasis and that she is bed ridden/not ambulatory/on oxygen and central venous line in situ as also that MRI of her brain shows cerebral atrophy.

In view of the above serious medical condition of the petitioner and because she is in custody for over four months as also for the reason that investigation in this case is complete, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Pathankot the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

21.02.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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