

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.218

CRM-M-33580-2021

Date of decision : 03.03.2022

Rekha @ Pooja

..... 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)

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 the petitioner, alongwith her sister-Saroj Bala, lured the complainant to part with lakhs of rupees on the pretext of doubling the same in a short-while. However, such amount was not refunded. In fact, purportedly to return the amount due to the complainant, a cheque given by co-accused-Saroj Bala for Rs.62 lakhs, on presentation, was dishonoured.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case only because she is the real sister of the main accused-Saroj Bala; in fact, the case of the complainant is purely civil in nature; as per Saroj Bala it is the complainant who owes her money and in this regard she has filed a civil suit against the complainant seeking therein rendition of accounts; the FIR in question was got lodged as a counter-blast to the aforesaid civil suit filed by Saroj Bala; a cheque for Rs.62 lakhs was given to the complainant by Saroj Bala showing that the petitioner has no concern with the present matter; the petitioner is in custody since 18.07.2021; in the two other criminal cases pending against the petitioner she is on bail; investigation in this case is complete and that the

petitioner's trial in which 16 prosecution witnesses still remain to be examined, will take a long time to conclude.

Learned State counsel opposes grant of bail to the petitioner on the ground that she has two other criminal cases pending against her which include a case under Section 323 IPC and another one under Section 420 IPC and that if released on bail she may indulge in similar offences.

The petitioner is in custody since 18.07.2021; investigation in this case is complete; the primary allegations in the FIR in question are against co-accused-Saroj Bala who has been granted regular bail and that the petitioner's trial in which 16 prosecution witnesses still remain to be examined, is likely to take a long time to conclude.

In view of the above, 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.

03.03.2022
shamsher

Whether speaking/reasoned

Whether reportable

:

:

Yes / No

Yes / No

[DEEPAK SIBAL]
JUDGE