

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
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CRM-M-44932-2022

Date of Decision: 23.11.2022

Minakshi Chauhan @ Meenakshi

.... Petitioner

Versus

State of Punjab

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. M.S. Batth, Advocate for the petitioner.

Mr. Jaspal Singh Guru, Assistant Advocate General, Punjab.

Mr. Barjinder Singh, Advocate for the complainant.

ASHOK KUMAR VERMA, J. (ORAL)

Status report dated 22.11.2022, filed by way of affidavit of Sh. Tarlochan Singh, Deputy Superintendent of Police, Rupnagar, District Rupnagar, is taken on record.

The petitioner-Minakshi Chauhan @ Meenakshi, has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No. 0090 dated 01.12.2021 registered under Sections 420 and 120-B IPC at Police Station Singh Bhagwantpur, District Rupnagar.

According to the prosecution story, petitioner-Minakshi Chauhan @ Meenakshi, in connivance with her co-accused had sold a stolen car to complainant-Amrinder Singh and cheated him to the tune of Rs.11,60,000/-. Out of the aforesaid amount, a sum of Rs.5,00,000/- was

transferred by the complainant in the account of the petitioner.

Learned counsel for the petitioner *inter alia* contends that the petitioner has falsely been implicated in the present FIR. The petitioner had received the aforesaid amount of Rs.5,00,000/- in her account in good faith to help her friend, namely, Lokesh as he was not having any bank account. The said amount was withdrawn by the petitioner on 25.05.2018 and handed over to Lokesh at Delhi. He further contends that in order to show her *bona fides* the petitioner is ready to deposit the aforesaid amount of Rs.5,00,000/- before the trial Court by way of demand draft within a period of 7 days from today, subject to the outcome of trial. The petitioner is not involved in any other case. The petitioner is in custody since 02.07.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, the present petition may be allowed.

On the other hand learned State counsel has submitted that the petitioner along with his co-accused, had cheated the complainant for an amount of Rs.11,60,000/- by way of selling him a stolen car. Therefore, the petitioner does not deserve concession of regular bail and the present petition may be dismissed.

Custody certificate dated 22.11.2022, filed by learned counsel for the State is taken on record. As per the said custody certificate, the petitioner is in custody for the last more than 04 months and she is not involved in any other case.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, the fact that she is not involved in any other case and also that the trial likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Petitioner-Minakshi Chauhan @ Meenakshi, is ordered to be released on regular bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

The petitioner is also directed to furnish a demand draft of Rs.5,00,000/- in the name of trial Court within a period of 07 days from today, subject to the outcome of trial, failing which, this petition shall be deemed to be dismissed.

November 23, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No