

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

CRM-M-50281-2021 (O&M)

Date of decision: 14.11.2022

Geeta Kumari

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Harkanwar Jeet Singh, AAG Punjab, with
DSP Daljit Singh, posted at Garhshankar.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.27 dated 23.02.2020, registered under Sections 406, 420, 465, 467, 468, 471, 120-B IPC, later on added Section 419 IPC and Sections 66, 66-D, 72, 72-A of the Income Tax Act, at Police Station Garhshankar, District Hoshiarpur.

Status report by way of affidavit dated 14.11.2022 of the Senior Superintendent of Police, Hoshiarpur, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that the FIR was registered at the instance of Balwant Singh Sohal; that the petitioner has falsely been implicated in the present case on the disclosure statements of co-accused Deepak Gupta and Rajeev Sharma; that the petitioner was an employee in the shop of co-accused Rajeev Sharma; that an account was

opened in the name of Sandhya by affixing the photograph of the petitioner and later on an amount of Rs. 66 lakh was withdrawn by co-accused Deepak Gupta and Rajeev Sharma and transferred in the account of Sandhya; that no recovery is to be effected from the petitioner; that though the challan was presented on 01.06.2020, yet out of 21 prosecution witnesses, none has been examined so far; that co-accused Amit Sharma @ Nitin Sharma and Rajeev Sharma, have been granted regular bail by this Court and that the petitioner has been in custody since 06.12.2020.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner had actively participated in the crime, an amount of Rs. 66 lakh was withdrawn from the account of the complainant, who is an NRI and was transferred in the account of Sandhya. However, he does not dispute the custody period of the petitioner and the fact that the challan was presented on 01.06.2020 and charges are yet to be framed and that none of the prosecution witnesses has been examined as yet. The petitioner surrendered on 02.12.2020 in the presence of Balbir Chand, Councilor, her father and Parminder Singh. Co-accused Gurjinder Singh, Harsh Singh, Kamal Kishore Vinayak are yet to be arrested.

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

The petitioner has been in custody since 06.12.2020. The petitioner was indicted in the present case on the basis of disclosure statements of the co-accused. The recovery has already been effected from the co-accused. The challan was presented on 01.06.2020 but the charges have

not been framed. Co-accused Rajeev Sharma and Amit Sharma @ Nitin Sharma, have been granted regular bail by this Court. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

14.11.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No