

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3086-2023

Date of Decision: 22.08.2023

Bhawna

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Deepak Chaudhary, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Dass Rai, DAG, Haryana.

Mr. B.S.Beniwal, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.241 dated 18.05.2022 registered under Sections 420, 467, 468, 471, 201, 120-B of IPC at Police Station Sadar Fatehabad, District Fatehabad.

The FIR in the present case was got registered by Surender Kumar @ Sunder son of Daulat Ram. As per the complainant, Bhawna, the accused/petitioner had defrauded the complainant and other persons on the pretext of providing them jobs in different government departments and had cheated them to the tune of more than Rs.97 lacs.

Learned counsel for the petitioner contends that the petitioner had no concern with the allegations levelled in the present case and has been falsely involved by the complainant and his other friends. Learned counsel further

contends that the complainant did not have any money transaction with the present petitioner and she never assured the complainant or any other person to provide job. Learned counsel further contends that in the present case, the petitioner was arrested on 17.06.2022 and is in custody for the last one year and two months. He further contends that the petitioner is mother of two minor daughters, namely, Pahal Godara, aged about 4 years and Farisyha aged about 10 years and there is no one at home to take care of two minor daughters. Learned counsel further contends that in the present case, only 7 witnesses, out of total 21 witnesses, have been examined so far and the conclusion of the trial may take a long time. Even the petitioner is not in a position to influence the witnesses of the prosecution and she deserves the concession of bail by this Court. Learned counsel further contends that even her co-accused/her husband, namely, Parmod Kumar has been granted the concession of interim anticipatory bail by this Court.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had cheated several persons on the pretext of getting them employment in several government departments. Learned counsel further contends that one more case i.e. FIR No.29/2022, under Sections 420, 120-B IPC at Police Station Bhuna, Fatehabad has already been registered against the present petitioner and she is not entitled for any relief.

I have heard the learned counsel for the parties and perused the record.

The petitioner was arrested in the present case on 17.06.2022 and is in custody for the last more than one year and two months. Still further, this Court is conscious of the fact that all the offences are triable by the Court of learned Magistrate and at this stage, the prosecution has not been able to bring on record any evidence to show that the petitioner is either in a position to influence the witnesses or there is any other reasonable apprehension of fleeing from the process of law. Apart from that, the trial is at an initial stage and the trial Court may take a long time in concluding the trial and her custody will not serve any meaningful purpose.

Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on her furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade her to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent herself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender her passport, if any, (if already not surrendered), and in case she is not holder of the same, she shall swear an affidavit to that effect.

(v) The petitioner shall also file her affidavit before the concerned Court, mentioning her ordinary place of residence and number of mobile phone, which shall be used by her during the pendency of the trial. In case of change of place of residence/mobile number, she shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to her shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

22.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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