

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M-4305-2023

Date of Decision: 13.04.2023

Raj Kumari

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Rahul Bhargava, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate as well the reply dated 11.04.2023, filed by way of affidavit of Sh. Kulwant Singh, Deputy Superintendent of Police, Sub-Division Tanda, District Hoshiarpur on behalf of respondent-State, are taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 173 dated 22.07.2022 registered under Sections 406, 420, 506 read with Section 34 IPC and Section 24 of the Immigration Act.

Briefly, the present FIR was registered on the complaint No. 1445-PD dated 26.03.2022 moved by Akashdeep Singh to the Senior Superintendent of Police, Hoshiarpur, against two persons, namely; Roop Lal, Travel Agent and Raj Kumari (petitioner herein), alleging therein that

the petitioner in connivance with her co-accused duped the complainant for a huge amount on the pretext of sending him abroad.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case. In fact, she is also a victim at the hands of big travel agents who are settled at New Delhi. Nothing has to be recovered from her. Learned counsel also contends that the transactions whatsoever shown in the account of the petitioner have wrongly been done and she has no concern with the same. Further, learned counsel for the petitioner has placed on record copies of *zimni* orders passed by the trial Court and contends that challan in the present case was presented on 29.10.2022 and charges were framed on 03.11.2022, but till date no prosecution witness has been examined by the trial Court, despite the issuance of bailable warrants of the complainant and other PWs. Petitioner is in custody since 18.10.2022. Trial is likely to take time and no purpose will be served by keeping her in custody. Thus, it is prayed she may be released on regular bail.

On the other hand, learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioner.

I have heard learned counsel for the parties and carefully gone through the record.

Keeping in view the facts and circumstances of the case, custody period of the petitioner and the fact that conclusion of trial shall take sufficient 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.

Accordingly, the present petition is allowed and petitioner-Raj Kumari, 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.

13.04.2023
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(ASHOK KUMAR VERMA)
JUDGE

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