

CRM-M- 14088-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 14088-2023 (O&M)
Date of Decision: 03.05.2023

Bina Tanwar

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Bipan Ghai, Senior Advocate with
Mr. Tarjit Singh Chhikara, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Rajesh Lamba, Advocate
for the complainant.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 439 dated 07.08.2020 under Sections 419, 420, 467, 468, 471, 120-B IPC registered at Police Station Ballabgarh, District Faridabad.

Learned Senior counsel appearing for the petitioner contends that the petitioner, who is a widow is in custody since 30.01.2023. He

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submits that the petitioner has been falsely implicated in the present case as she has no specific role in the present case rather she has been implicated in the present FIR on the ground that a GPA was executed on 29.10.2015 by Akshay Tanwar son of the petitioner (since deceased) in her name and during investigation her father-in-law Chandan son of Ganga Ram was found to be in possession of the land in question since many years. He further submits that a civil suit is also pending between the parties. He submits that the challan stands presented on 03.02.2023, though charges are yet to be framed so the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Reply has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and one more case is pending against her, however, he does not dispute the fact that the investigation is complete and the challan stands presented and the pending case is of matrimonial nature.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 30.01.2023.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, she would hamper the course of free and fair trial. Further, since the investigation is complete and the challan stands presented and charges are yet to be framed and the trial is yet

to commence and would take sufficient time so no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

03.05.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No