

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

2023:PHHC:054945

CRM-M-17277-2023

Date of decision: 19.04.2023

Neha Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Anil Kumar Garg, Advocate
for the petitioner.

Mr. Amit Rana, Sr. D.A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.283 dated 30.09.2022 under Sections 406, 420 and 120-B of IPC, registered at Police Station City Kharar, District SAS Nagar (Mohali).

Learned counsel for the petitioner *inter alia* contends that petitioner who is a lady aged 26 years has been in custody since 08.10.2022 and there is no likelihood of the trial concluding in the near future as only charges stand framed and none of the prosecution witnesses cited have been examined till date. He further submits that it is a case of false implication as on the face of it, it is a case purely of civil nature. It has also been submitted that similarly situated co-accused has since been extended the concession of bail by this Court vide order dated 15.03.2023.

Per contra, learned State counsel while opposing the prayer made by the learned counsel opposite submits that an agreement to sell dated

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06.08.2022 was executed between the husband and the petitioner and the complainant wherein, it was agreed upon that a fully furnished house would be delivered to the complainant. However, the house in question was never delivered. It has also been submitted that the petitioner is involved in four other similar cases of similar nature.

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

The petitioner has been in custody since 08.10.2022 in a magisterial trial. The trial is unlikely to conclude in the near future as none of the prosecution witnesses stand examined.

In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose, therefore, this Court deems it fit to extend the concession of bail to the petitioner

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

19.04.2023
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(MANJARI NEHRU KAUL)
JUDGE

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