

CRM-M-24405-2022

Date of Decision :12.01.2023

SALONI SALUJA

...Petitioner

versus

STATE OF HARYANA

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Gourav Goel, Advocate for the petitioner.
Mr. Satish Singla, AAG, Haryana.

B.S. Walia, J. (Oral)

[1] Second petition has been filed under Section 439 Cr.PC. for grant of regular bail to the petitioner in case FIR No.839 dated 19.12.2020 under Sections 406, 420 and 506 IPC, besides, Sections 10 and 24 of the Immigration Act, registered at Police Station Thanesar City, District Kurukshetra, Haryana.

[2] First petition for grant of regular bail was dismissed as withdrawn on 21.09.2021 with liberty to file a fresh petition in accordance with law at the appropriate stage, if the circumstances of the case, so warranted.

[3] Learned counsel for the petitioner contends that the petitioner is a lady who has been in custody since 20.03.2020 in other similar connected cases and w.e.f. 27.01.2021 in the instant case in case FIR No.839 dated 19.12.2020 under Sections 406, 420 and 506 IPC, besides, Sections 10 and 24 of the Immigration Act, registered at Police Station Thanesar City, District Kurukshetra, Haryana.

[4] Learned counsel for the petitioner contends that the allegations against the petitioner are that she along with other co-accused

had taken money from the complainant for sending his son abroad but in fact no money was transferred in the name of the petitioner and it was the co-accused to whom the money was sent and the said co-accused namely Vishal Mann, Ravinder and Ranvir are behind bars and the petitioner has been implicated in the instant case only on account of being the wife of Raminder Singh, who is also a co-accused in the other connected cases.

[5] Learned counsel contends that the petitioner, out of approximately 25 similar cases in which she has been falsely involved, has been released on bail in more than 20 cases, the case is triable by a Magistrate and out of 12 prosecution witnesses, only 05 witnesses have been examined so far, therefore trial would take time to conclude.

[6] Learned AAG admits as correct that the petitioner is in custody in other connected cases w.e.f. 20.03.2020 and in the instant case w.e.f. 27.01.2021, investigation is complete, challan has been filed and out of 12 prosecution witnesses, only 05 have been examined till date besides, the case is triable by a Magistrate.

[7] I have considered the submissions of learned counsel for the parties.

[8] Admittedly, the case is triable by a learned Magistrate. The petitioner is in custody since 27.01.2021 in the instant case and out of 25 others similar cases, the petitioner has been released on bail in more than 20 cases. Orders granting bail to the petitioner in some of the other similar matters are attached along with as Annexures P/4 to P/10. Besides, the case is admitted to be based on documentary evidence.

paid to the petitioner for sending the complainant’s ward abroad. The petitioner is a lady and is stated to be having two minor children, and trial is likely to take time to conclude.

[9] Accordingly, without commenting upon the merits of the case and taking into account the totality of circumstances, I am of the considered view that the petitioner is entitled to be released on regular bail during the pendency of the instant case subject to her furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned. However, nothing stated hereinabove shall be treated as an expression of opinion on the merits of the case and whatever has been referred to above, is only for the purpose of deciding the instant petition only.

[10] Crl. Misc. petition is allowed as above.

(B.S. Walia)
Judge

12.01.2023
'Amit'

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