

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

Crl.Misc.No.M-24419 of 2023

Date of Decision: 04.10.2023

Amritpal Kaur@ Amrit Kaur

.....Appellant

Versus

The State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Sanjeev K. Virk, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.(Oral)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.206 dated 16.10.2022, registered under Sections 406, 420, 120-B IPC, 1860 and under Section 13 of the Punjab Travel Professional (Regulation) Act, 2014, at Police Station City Phagwara, District Kapurthala.

2. Learned counsel for the petitioner, *inter alia*, submits that false allegations have been levelled in the FIR in question which has been annexed as Annexure P-1, that the petitioner along with her mother had lured the complainant to part with Rs.65 lacs on the pretext of sending his relatives to Italy; however, neither were they ever sent abroad nor the money returned to the complainant or his relatives. Learned counsel

contends that the entire story has been fabricated and there was no material on record which could even remotely connect the petitioner with the crime in question. It has been further contended that the petitioner has clean antecedents as she is not involved in any other criminal case, much less, in a case of similar nature. It has also been submitted that after the challan was presented on 14.12.2022, charges had been framed, however, prosecution evidence had still not been recorded. Hence, the trial had come to a virtual stand-still. A prayer has, therefore, been made for extending the concession of bail to the petitioner, who has been in custody since 18.10.2022.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Paramjit Singh, submits that an amount of Rs.6,40,000/- was deposited by various persons including the complainant in the bank account of the petitioner, out of a total amount of Rs.65 lacs. Hence her complicity in the crime in question was writ large. It has been further submitted that 35 witnesses have been cited by the prosecution, and the next date fixed before the trial Court is 10.10.2023, when the prosecution evidence is likely to commence.

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

5. The petitioner has now been in custody for almost a year after having been arrested on 18.10.2022 in a magisterial trial. The trial is unlikely to conclude in the near future as none of the prosecution witnesses

have been examined so far. In the facts and circumstances as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition, as such, is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

October 04, 2023
poonam

(MANJARI NEHRU KAUL)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>