

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26357-2023
Date of Decision : 29.05.2023

Rakhi Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Pawan Attri, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana
for the respondent-State.

VIKRAM AGGARWAL, J (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.244 dated 19.09.2022, registered under Sections 406, 420, 467, 468, 471, 120-B IPC and Section 24 of the Immigration Act, at Police Station Guhla, District Kaithal.

2. On a complaint submitted by one Harvinder Singh, the present FIR was registered. The allegation was that complainant Harvinder Singh had been given an assurance by certain persons namely Dayanand, Rajesh Kumar, Rameshwar Dass etc. that he would be sent to the United States of America and a deal was struck for ₹45,00,000/-. ₹29,50,000/- is alleged to

have been paid in cash and a cheque of ₹5,00,000/- is also stated to have been given. The present petitioner was subsequently named in a disclosure statement given by co-accused Amarjit @ Gautam. Accordingly, the petitioner was arrested on 25.03.2023.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated on the basis of disclosure statement of co-accused Amarjit @ Gautam. He submits that the petitioner is not a previous offender; she is in custody since 25.03.2023; ; she was not named in the FIR; final report under Section 173 Cr.P.C. has already been submitted; trial will take a sufficiently long time and, therefore, no useful purpose would be served by keeping the petitioner in custody any longer.

4. On the other hand, learned counsel representing the respondent-State of Haryana, on instructions from Sub Inspector Satyawar, has opposed the bail application stating that as per the disclosure statement, a sum of ₹10,00,000/- came to the share of the present petitioner out of which a sum of Rs.14,000/- was recovered from her.

5. Admittedly, the petitioner was not named in the FIR nor was there any reference of any woman being involved. Whether the petitioner was actually involved or not shall be determined at the stage of trial. Her name was disclosed by the co-accused in his disclosure statement. The petitioner is in custody for the last more than two months i.e. since 25.03.2023. Final report under Section 173 Cr.P.C. has been submitted. The trial will still take a sufficiently long time and in the considered opinion of this Court, no useful purpose would be served by keeping the petitioner in custody any longer.

In view of the aforementioned facts and circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Kaithal.

(VIKRAM AGGARWAL)

JUDGE

29.05.2023

mamta

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