

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239 (1) CRM-M-26938-2023 (O&M)
Date of decision: 06.12.2023

Ravneet Kaur
Versus ...Petitioner

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Shiv Kumar Sharma, Advocate and
Ms. Tejaswini, Advocate for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

FIR No.	Dated	Section/s	Police Station
67	17.04.2023	420, 465, 467, 468, 470, 471, 120-B IPC & 67 of Information Technology Act	Canal Colony, Bathinda, District Bathinda

VIKAS SURI, J.

1. Seeking regular bail, the petitioner has filed the present petition under Section 439 Cr.P.C. in the above captioned case.
2. Briefly stated, as per allegations in the FIR, the same was registered on secret information provided by SI Harjiwan Singh, CIA Staff-I, Bathinda on 17.04.2023 disclosing that Hardeep Singh, Gurwinder Singh, Lodeep Sharma and Vishav Sharma have formed a

fake firm in the name of Jozzniry Headhunter and have employed girls and boys by offering them handsome salaries and have provided them with sims and mobile phones who advertised the business of the firm to gullible people, for sending them to Canada and other foreign countries. All the afore-named persons prepared forged documents including Visas and other letters and fraudulently obtained money from susceptible people. Most of the persons who have been defrauded are Indians working in Arab Countries.

3. On the aforesaid secret information, a raid was conducted at the disclosed house resulting into the arrest of Hardeep Singh, Gurwinder Singh, Sameer, Ravnit Kaur, Sarabjit Kaur, Sundri Rani and Baby. Mobile phones and cash amount of Rs.2.5 lacs were recovered. On investigating the whatsapp installed in the mobile phones, the police found that the accused had got transferred huge amounts from number of persons to different account numbers. The said bank accounts have been opened in the name of fictitious persons. Recovery of incriminating material like offer letters, Job confirmation letters, Labour Market Impact Assessment (LMIA), Acknowledgement Letters and other documents which were forged by them, was effected.

4. Learned counsel for the petitioner has argued that petitioner was not nominated as accused in the complaint and has been falsely roped in as accused. The petitioner was salaried employee of the accused firm and was unaware of the alleged fraud being played by the owners of the firm. Moreover, the offences alleged are triable by the Magistrate. The petitioner is in custody since 17.04.2023. The investigation is

complete; challan has been presented; charges have been framed; and out of total 24 prosecution witnesses cited, none has been examined so far. The trial is underway, conclusion of which will take considerable time, therefore, no useful purpose would be served by keeping the petitioner behind bars for an indefinite period.

5. On the other hand, learned State counsel has opposed the present petition while placing on record status report dated 27.07.2023 as well as custody certificate of the petitioner dated 05.12.2023. Learned State counsel submits that there are serious allegations against the petitioner and she has actively participated in the commission of offence. However, the factual aspects are not disputed. It is conceded that as per custody certificate, the petitioner is not involved in any other case.

6. I have heard learned counsel for the parties and considered the rival contentions.

7. Considering the fact that the offences alleged are triable by the Magistrate; the complicity of the petitioner in the alleged fraud is a matter of trial, which is yet to commence inasmuch as out of 24 prosecution witnesses cited, none has been examined so far; the petitioner is not involved in any other case and as such has clean antecedents; the conclusion of trial would take considerable time; no useful purpose would be served by keeping the petitioner behind bars for an indefinite period pending trial. Hence, without commenting upon the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail during the pendency of trial, on her

furnishing bail-bond and surety to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that the petitioner shall not influence the trial or prosecution witnesses in any manner directly or indirectly.
9. However, any observation made herein-above shall not be construed as an expression of opinion on the merits of the case.

December 06, 2023
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No