

CRM-M-35397-2020 (O&M)

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208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35397-2020 (O&M)
Date of decision : 14.11.2023

Veena Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Ms. Pooja Chopra, Advocate,
for the petitioner.

Mr. C.L.Pawar, Additional Advocate General, Punjab,
for the respondent.

Mr. Iqbal, Advocate, for
Mr. Gobind Dhanda, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.0119 dated 20.11.2019, under Sections 342, 364, 365, 384, 420, 465, 468, 471 and 120-B of the Indian Penal Code, 1860, and Section 25 of the Arms Act registered at Police Station Banaur, District S.A.S. Nagar.

2. Above FIR was registered on the basis of statement made by one Bikram Dalal with the allegations that petitioner in connivance with her accomplice abducted him in a car and has taken away Rs.7,96,000/- besides some ornaments and forced him to sign some stamp papers as well as blank cheques.

3. It transpires that petitioner was granted interim bail by the Coordinate Bench, on 17.09.2021 and the order reads as under:-

“Case heard via video conferencing.

Pursuant to the last order passed by this court, an explanation has been put up by the Registry as regards not obtaining signatures of opposite counsel on documents (written statement etc.) filed by the office of the Advocates General, Punjab and Haryana; to the effect that as per previous practice, the letters received from the office of the Advocates General are accepted even without the signatures of the counsel, as the endorsement numbers vide which the copies supplied to the opposite counsel are also mentioned on the forwarding letter.

Along with that explanation, there is an explanation of Sh. Basant Singh, Senior Assistant in the office of the Advocate General, Punjab, dated 01.09.2021, stating therein that due to some 'technical issue' the additional affidavit dated 15.05.2021 could not be mailed to the counsel for the petitioner, (the normal method for forwarding such replies being via e-mail since the onset of the ongoing pandemic).

As to what that 'technical issue' was, has not even been attempted to be explained by the said senior assistant.

Consequently, the Advocate General, Punjab, is directed to have the matter enquired into to determine as to whether this was a one-off mistake committed by his office, or whether such like mistakes are being repeated in different cases, where copies of the replies filed on

behalf of the State are not being forwarded to counsel opposite even via e-mail.

A report in that regard be filed by a gazetted officer in the office of the Advocate General, Punjab, (and in the absence of any gazetted officer there, by an officer of the rank of an Additional Advocate General at least), before the next date of hearing.

A copy of this order be given to the learned State counsel under signatures of the Reader of this court.

As regards the query put by this court on 07.04.2021, it is stated in para 6 of the affidavit that a report under Section 173(8) of the Cr.P.C. has been submitted before the competent court, with a copy thereof having been annexed as Annexure R1/T with the affidavit.

Learned counsel for the petitioner has submitted that the only fault of the petitioner is that she held a workshop for her students for campus placement; and only a total of Rs.50,000/- has been received by the petitioner and for which alleged offence she has been in custody since December 2019, with the trial still not having commenced, with not even the charge framed.

Mr. Dhanda, learned counsel for the complainant, on the other hand submits that there is even CCTV footage showing that the complainant had been kidnapped by the petitioner and her co-accused, and had been kept in illegal custody for two days, with money snatched from him and with his ATM card also snatched from him; by the use of which Rs.12 lacs were withdrawn from the account of the complainant, and with the petitioner seen in the footage of that ATM, she also having been seen in the CCTV footage of the toll plaza at

the time in question, along with her co-accused (in a car), and therefore she does not deserve to be admitted to bail at all.

Learned State counsel also submits that the petitioner and her co-accused having also duped a number of students of a large amount of money, she does not deserve to be admitted to bail.

Having considered the matter, whereas learned counsel for the State and the complainant on the merits of the matter may be correct (with no comment made there upon by this court since the matter has already gone to trial, though trial is still to commence), simply at this stage keeping in view the fact that the petitioner has been in custody for about 1 year and 9 months with the trial still to actually commence, subject to her surrendering her passport and furnishing adequate bail and surety bonds to the complete satisfaction of the trial court, she would be admitted to interim bail till the next date of hearing before this court.

Adjourned to 10.12.2021.

One week before the next date of hearing, the trial court would send a report to this court as regards the exact stage of the trial.

xxxx xxxx xxxx xxxx

[It is seen today that in the second line of the last page of the order passed by this court on 07.04.2021, it has been stated that the petitioner and her accused had duped “a large number of accused for an amount of Rs.48,00,000/-”, whereas obviously the correct words should have been “a large number of persons for an amount of”.

Consequently that part of the order has been corrected by pen under signatures of this court. The erroneous order as has been uploaded on the website of this court be deleted and the corrected order thereafter be uploaded.]”

4. It is contended by learned counsel for the petitioner that in pursuance to the aforesaid order, petitioner is regularly regularly appearing before the Court below and out of total 25 prosecution witnesses, only 02 have been examined so far. Also contended that in case, petitioner is granted bail on regular basis, there is no apprehension or allegation that she is likely to flee from justice or may interfere in the proceedings in any manner.

5. On the other hand, learned State counsel, on instructions from the police official, submits that out of total 25 prosecution witnesses, none has been examined till date.

6. Since the petitioner is stated to be regularly appearing before the Court below and there is no apprehension that she is likely to interfere with the proceedings or to threaten the prosecution witnesses in any manner; therefore, no purpose would be served to keep the matter pending any further and/or to send the petitioner in custody at this stage.

7. Consequently, the present petition is allowed and interim bail granted vide order dated 17.09.2021, is made absolute. Petitioner be admitted to bail pending trial on her furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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8. The petitioner shall appear on each date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).
9. The above observation may not be construed as an expression of opinion on the merits of the case.
10. It is clarified that in case, there is any misuse of concession of bail on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.
11. Pending application(s), if any, shall also stand disposed off.

14.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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