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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36093-2023 (O & M)

Date of decision: 02.08.2023

Maya

..... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sandeep Kotla, Advocate, for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this second petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in FIR No.249 dated 05.05.2022 under Sections 419, 420, 467, 468, 471 and 120-B IPC read with Section 34 IPC at Police Station City, Panipat, District Panipat.

2. The brief allegations are that Mithun (since granted bail vide order dated 17.07.2023 passed in CRM-M-48560-2022) got one lady by the name of Maya (petitioner) to impersonate his deceased grand-mother Surjo Devi to claim her (Surjo Devi's) pension being granted by the Education Department from which Surjo Devi had retired as a Sweeper.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, the

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Bank officials, and therefore, the culpability of the petitioner without arraying the said officials as co-accused would not arise. As the petitioner was in custody since 05.05.2022, only 07 out of the 14 prosecution witnesses had been examined so far and the petitioner was a first-time offender, she was entitled to the concession of bail, moreso, when the case was triable by the Court of a Magistrate and the co-accused/Mithun had been granted the similar concession.

4. The learned counsel for the State, on the other hand, contends that the allegations against Maya (petitioner) were serious. Maya had impersonated Surjo Devi, the grand-mother of co-accused Mithun and had obtained pension despite the fact that Surjo Devi had expired. The CCTV footage of the camera installed in the premises of the Bank would show that Mithun alongwith petitioner-Maya had been visiting the Bank premises for the purpose of the withdrawal of the money from the Bank account of Surjo Devi. He, therefore, contends that the petitioner was not entitled to the grant of bail. He, however, concedes that the petitioner is a first-time offender, in custody since 05.05.2022, only 07 of the 14 prosecution witnesses have been examined so far and that the co-accused, namely, Mithun has been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

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“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

7. In the present case, admittedly, the case is triable by the Court of a Magistrate. The petitioner is in custody since 05.05.2022 and only 07 out of the 14 prosecution witnesses have been examined so far. No serious apprehension has been expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, in this situation, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Maya, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

August 02, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No