

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

[Sr. No.223-A]

CRM-M-38851-2022 (O&M)

Date of decision :28.02.2023

Saloni

.....Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Randeep S. Dhull, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

AMAN CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.656 dated 13.08.2021 for offence punishable under Sections 420, 406 and 120-B IPC as well as Section 10 of the Immigration Act, 1983 registered at Police Station Yamuna Nagar City, District Yamuna Nagar.

Learned counsel for the petitioner contends that as per the allegations levelled in the FIR lodged by Harbhajan Singh son of Shri Tara Singh resident of District Yamuna Nagar, the co-accused, namely, Vishal and Ravinder Singh had taken money for sending his son-Sarabjit Singh abroad. The said amount of Rs.15,00,000/- was transferred by them in the account of the company of the petitioner under the name and style of '*M/s Paul Merchant Company*' and rest of it also in the account of her husband, namely, Raminder Singh. Neither was the *Visa* granted to the son of the complainant nor the said amount was returned. The petitioner is in custody for the last 01 year and 02 months. Though the charges had been framed on 30.09.2022, however, out of 09 prosecution witnesses, none has yet been examined. The offences are triable by the Magistrate. He further contends that petitioner is on bail in 35 cases out

of 37 cases registered against her. In some of cases, the bail having been granted by this Court and some other cases, she has been granted bail by the learned trial Court and she has undergone the sentence in one case in which she was convicted.

Learned State counsel, on instructions from SI Kushal Pal Singh, opposes the bail on the ground that petitioner is involved in similar type of offences and is a habitual offender. The amount in question was transferred into her account. However, he is unable to controvert the submissions made by learned counsel for the petitioner with regard to the status of trial, the custody period and that she having been granted bail in 35 cases out of total 37 cases registered against her.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner who is a lady has been in custody for the last 01 year and 02 months and the offences are triable by the Magistrate; she having been granted bail in 35 cases; challan stands presented and the charges were framed on 30.09.2022; however, out of 09 prosecution witnesses, none has yet been examined; the trial is likely to take a considerable time, her further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to her not being required in any other case. The petitioner shall abide by the following conditions:-

- 1. The petitioner will not tamper with the evidence during the trial.
 - 2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
 - 3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
 - 4. The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.
 - 5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
 - 6. The petitioner shall not in any manner misuse her liberty.
 - 7. The petitioner shall furnish her address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
 - 8. The petitioner shall deposit her passport, if any, with the Trial Court forthwith and in case, she does not have the passport, she shall furnish a specific affidavit in this regard.
- It is made clear that in case there is any breach of the aforesaid

conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

28.02.2023
ANJAL

[AMAN CHAUDHARY]
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No