

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

CRM-M No.36546 of 2023
Date of decision: 10th August, 2023

Sarabjit Kaur @ Simarjit Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Chaudhary, Advocate for the petitioner.
Mr. I.P.S. Sabharwal, Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.155 dated 06.09.2019 under Sections 420, 120-B IPC registered at Police Station City Kotkapura, District Faridkot.

2. Learned counsel for the petitioner, at the outset, submits that all the offences are triable by Magistrate and the petitioner, who is a lady, has now been in custody since 16.12.2022. It has also been submitted that only 6 prosecution witnesses out of the 14 cited stand examined, hence, the trial shall take considerable time to conclude. While drawing the attention of this Court to the allegations levelled in the FIR, it has been further urged that false allegations had been levelled against the petitioner only because she happened to be the wife

of the main accused Gurtej Singh, who had allegedly lured people to invest approximately ₹ 21.00 lacs in their Company. It has been further submitted that it was a matter of record that no money was ever deposited in the account of the petitioner. Learned counsel has also submitted that similarly situated co-accused Balwinder Singh and Jagshir Singh have since been extended the concession of bail by a Coordinate Bench of this Court vide orders dated 30.11.2021 (Annexure P-3) and dated 14.10.2022 respectively. A prayer has therefore, been made for extending the concession of bail to the petitioner, as her further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that no doubt not a single penny was deposited in the account of the petitioner, however, her husband was the kingpin, who had allegedly lured the complainant to part with ₹ 21.00 lacs. He has still further submitted that the husband of the petitioner has been absconding and proceedings under Section 82 of the Cr.P.C. have been initiated against him.

4. On a pointed query put to the learned State counsel as to whether the petitioner was involved in any other criminal case, he on instructions has replied in the negative.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner has now been in custody since 16.12.2022 for offences which are triable by Magistrate. There is no likelihood of the trial concluding in the near future as 8 prosecution witness still remain to be examined. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 10, 2023
rps

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