

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-52043-2022

Date of Decision:-20.01.2023

Ritu.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Gourav Jain, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.250 dated 29.10.2021 under Sections 420, 467, 468, 471, 465, 474 read with Section 34 and 120-B IPC registered at Police Station Sadar Raita, District Fatehabad.

2. The brief facts of the case are that statement of Tejpal was recorded to the effect that he was an agriculturist. In the year 2017 one Krishan son of Bala Ram asked him if he (complainant) wanted to join army. He (Krishan) knew one person by the name of Gurmangat Singh who could get the work done. He (complainant) along with his uncle Satyanarain and Vikram son of Satyanarain took along with them all their documents to village Jallopur to meet Gurmangat Singh. The petitioner demanded a sum of Rs.7 lacs for getting him (complainant) and Vikram recruited in the army. A sum of Rs.4 lacs was paid on 10.06.2017 in the presence of Krishan, Maheshi and Gurmangat Singh. Certificates of himself and Vikram were also given. Despite 06 months having elapsed no job was provided to them. Thereafter a sum of Rs.2.5 lacs was sought again. Rs.2.5 lacs was paid and a joining letter dated 25.02.2020 was provided by the accused. Once again a cheque of Rs.50,000/- was given to Gurmangat

Singh in the name of Manraj Furniture House. Despite a long time having elapsed neither was a job provided nor the money returned. Therefore, the FIR came to be registered.

3. The Counsel for the petitioner contends that the petitioner is not named in the FIR nor has any role been attributed to her. In fact she has been named in the disclosure statement of her co-accused Gurmangat Singh to the effect that she was also involved in the present case. The said disclosure statement cannot be read in evidence. The petitioner was in custody since 18.01.2022. Only 02 out of 18 witnesses cited in the list of prosecution witnesses had been examined so far. Thus the Trial was not likely to be concluded anytime soon. Therefore, the petitioner was entitled to the concession of bail. Even otherwise in one FIR No.168, petitioner has been granted the concession of bail vide order dated 20.1.2023.

4. The Counsel for the State on the other hand contends that the petitioner is a habitual offender with one other case registered against her. Therefore, she was not entitled to the grant of bail. He however, admits that only 02 out of 18 witnesses cited in the list of prosecution witnesses had been examined so far.

5. I have heard learned Counsel for the parties.

6. Admittedly, the petitioner is in custody since 18.01.2022. Only 02 out of the 18 prosecution witnesses have been examined so far. In one other case, the petitioner has been granted the concession of bail. This Court in **CRM-M-24033-2021(O&M) titled as Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab Decided on 31.08.2022** held that where the case was triable by the Court of a Magistrate, unless there were serious apprehensions of the accused tampering with the evidence, threatening the witnesses or absconding, the accused ought to be granted the concession of bail.

7. In the present case nothing specific has been pointed out by the counsel for the State so as to suggest that the petitioner was likely to tamper with the evidence, overawe the witnesses or abscond from justice. Thus the further incarceration of the petitioner is not required.

8. Thus, without commenting on the merits of the case, the petitioners-**Ritu** wife of Sh. Radhey Shyam is ordered to be released on bail subject to the satisfaction of CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the present case.

In addition, the petitioner (or any person on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence of the petitioner from the Trial without sufficient cause.

Petitions stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 20, 2023

Vinay

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