

BALJINDER KAUR

...Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Inderjeet Singh, DAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.225 dated 25.10.2019 registered for the offences punishable under Sections 420, 120-B of IPC and Section 13 of the Punjab Travel Professionals (Regulations) Act, 2014 at Police Station Phase-I, SAS Nagar.

2. The prosecution case in brief is that the petitioner took huge amount from complainant in order to send the complainant to Canada but thereafter she failed to do so and also refused to return the money and consequently FIR was registered in the present case against the petitioner, who is a lady about 32 years. During investigation, the petitioner was arrested and is presently lodged in judicial custody.

3. Counsel for the petitioner submits that the petitioner was falsely implicated in the present case and her custody period comes out to be more than 1 year and 10 months and all the offences are triable by the

Court of Judicial Magistrate First Class and it will take time for the trial to conclude. It is further submitted that in all the other criminal cases, petitioner is enlarged on bail by different courts and the counsel for the petitioner produced the copies of said bail orders which are taken on record.

4. The present petition is resisted by the State counsel, who on instructions from ASI Balwinder Singh submits that petitioner defrauded complainant by taking huge amount from him on the pretext of providing him visa of Canada but thereafter petitioner failed to do so and even the amount taken was not returned by the petitioner to the complainant. However, the State counsel has not disputed the fact that presently petitioner is in custody for the last more than 1 year and 3 months and earlier also she remained in custody for a period of 6 months and that till date prosecution is able to examine only two witnesses out of total 14 witnesses.

5. I have considered the submissions made by the counsel for the parties.

6. All the offences are triable by the Court of Judicial Magistrate First Class. The petitioner is in custody for the last more than 1 year and 3 months and is enlarged on bail in all the other criminal cases faced by her. It will take considerable time for the trial to terminate as 12 witnesses remains to be examined on behalf of prosecution. In the given circumstances, no useful purpose is going to be served by detaining the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be

released on regular bail subject to his furnishing bail bonds/surety bonds

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to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty
Magistrate concerned.

20.03.2024 (KARAMJIT SINGH)
Priyanka Thakur JUDGE

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