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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-14372-2024
Date of decision:-14.05.2024

RAMESH KUMARI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

In compliance of the order dated 29.04.2024 passed by this Court, learned State counsel has filed reply by way of an affidavit dated 14.05.2024 of Assistant Superintendent of Police, Hisar. The same is taken on record.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
783	23.08.2022	204, 119, 120-B, 166, 34, 35, 403, 406, 409, 417, 418, 420, 426, 465, 466, 467, 468, 477-A, 506 IPC and 3 of the Haryana Protection of Depositors in Financial Establishment Act, 2013.	HTM Hisar, District Hisar



3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is a widow lady aged about 60 years and is in custody since 15.12.2023. He contends that the petitioner has no role in the alleged embezzlement and being illiterate lady she was allegedly made one of the Manager of one Society from where she took salary which is duly reflected in the Income Tax Returns. He contends that the petitioner has not committed any embezzlement but has been falsely implicated in this case being widow of deceased Sher Singh who was running 3 cooperative societies which have since been in liquidation as per Annexure P-2. He contends that the completion of trial, triable by the Court of Magistrate will take sufficient long time, hence he prays for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel has opposed the bail petition by referring to the reply dated 14.05.2024 and argued that the petitioner is actively involvement in the embezzlement of the Society money and does not deserve concession of bail. However, he has admitted that challan has since been presented in the Court and out of 36 witnesses cited by the prosecution none has been examined till date.

5. After considering the rival contentions and perusing the record, it is observed that the husband of the petitioner was in fact running the co-operative societies and after his demise, on the basis of the present complaint FIR was registered against the petitioner being his widow and one

Monika being his daughter to have embezzled the amount. The petitioner is in custody since 15.12.2023 and as per the record she was working as Manager of the Society and getting salary which is duly reflected in the income tax return. The co-accused Monika has been granted concession of anticipatory bail. Admittedly, the co-operative societies run by the husband of the petitioner are in liquidation as per order (Annexure P-2). The challan has been presented in court and the trial is going on wherein 36 witnesses have been cited by the prosecution but till date none has been examined, the completion of trial in the present case to ascertain criminal liability, if any of the petitioner will take sufficient long time and no purpose would be served by detaining a widow lady i.e. petitioner aged about 60 years in custody any longer.

6. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

14.05.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |