

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

238/1

1. CRM-M-17112-2024

SAVITA DEVI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

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2. CRM-M-47848-2023

VIJAY PAL SHARMA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

Date of decision: May 16, 2024

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. L.M. Gulati, Advocate
for the petitioners.

Ms. Deepshikha Chauhan, Assistant Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in both the petitions detailed hereinabove, are seeking the concession of regular bail under Section 439 of Code of Criminal Procedure in case FIR No.332 dated 25.07.2022 under Sections 406, 420, 120-B, 467, 468, 471 of the Indian Penal Code, 1860, registered at Police Station Model Town, District Panipat.
2. Learned State counsel, in compliance of the order dated 06.05.2024 passed in CRM-M-47848-2023, has placed on record the opinion from Civil Surgeon, Panipat with respect to the medical condition of petitioner-Vijay Pal Sharma. As per the report received, petitioner-Vijay Pal Sharma is suffering from Diabetes Mellitus with uncontrolled Hypoglycemia and is receiving

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medical treatment from PGIMS Rohtak. It has also been stated in the opinion, which has been placed on record today, that the petitioner is suffering from Cirrhosis of the liver.

3. Learned counsel for the petitioner has submitted that after the petitioners i.e. Vijay Pal Sharma and Savita Devi were arrested on 07.06.2023 and 08.06.2023 respectively, investigation had been completed and challan presented; charges also had been framed, however, the possibility of the trial concluding in the near future did not arise since as many as 116 prosecution witnesses had been cited. Learned counsel has further submitted that an amount Rs.10.50 lakhs and Rs.3.50 lakhs was shown to have been deposited in the accounts of the petitioners Vijay Pal Sharma and Savita Devi respectively. Learned counsel submits that they are not the prime accused in the crime in question and the alleged allurements to invest money in a firm had been given by prime accused-Vijay Sharma. Learned counsel submits that in the aforementioned circumstances, no useful purpose would be served in keeping the petitioners in custody and hence, they be enlarged on bail, more so as per the medical report filed by the State, petitioner-Vijay Pal Sharma is suffering from multiple serious ailments including Cirrhosis of the liver.

4. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the stage of trial. She has further submitted that all the accused including the petitioners belong to the same family, and had duped and cheated a number of gullible persons, who had been given false assurance of high returns on their investments, however, no interest had been given as per the assurance, rather the entire money invested in the company of the petitioners had been swallowed by each of them. She has,



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however, not disputed that out of the cheated amount, till now, Rs.10.50 lakhs and Rs.3.50 lakhs had been deposited in the bank account of Vijay Pal Sharma and Savita Devi respectively.

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

6. The petitioners Vijay Pal Sharma and Savita Devi have been in custody since 07.06.2023 and 08.06.2023 respectively in a magisterial trial. They are not the prime accused in the instant case, though they are closely related to the prime accused.

7. In the facts and circumstances as enumerated hereinabove, especially keeping in view the medical condition of petitioner-Vijay Pal Sharma, this Court deems it fit to allow the instant petitions and extend the concession of regular bail to the petitioners.

8. The petitions as such are allowed, and the petitioners be 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.

9. Needless to add here, in case the petitioners are found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to the petitioners.

10. Photocopy of this order be placed on the file of the connected case.

May 16, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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