

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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2024:PHHC:028801
CRM-M-28639-2023 (O&M)
Date of decision: February 29th, 2024

Indu Rani

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anureet S. Sidhu, Advocate
for the applicant-petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-26386-2023

Prayer in this application is for placing on record the complete amended petition.

Application is allowed subject to just exceptions.

Amended petition is taken on record.

Registry is directed to place the same at the appropriate place of the case.

CRM-M-28639-2023

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.469 dated 04.10.2018 under Sections 406, 420 (Sections 506, 120-B of the IPC and Sections 5, 6 of HDI Act and Section 3 of Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 added later on) registered at Police Station Pehowa, District Kurukshetra.

2. Learned counsel for the petitioner, *inter alia*, contends that after the petitioner was arrested on 28.12.2020, only 11 witnesses out of the 68 cited by the prosecution have been examined till date. Hence, the possibility of the trial concluding in the near future looks bleak. It has also been submitted that the petitioner has been falsely implicated in the case in hand only because she happens to be the wife of the prime accused Kuldeep Mann, who was the Managing Director of the company, which allegedly cheated its investors of a sum of approximately ₹56 lakh. Learned counsel submits that since the entire case of the prosecution rests on documentary evidence, coupled with the fact that the petitioner is a 52 year old lady, 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 from ASI Dilbagh Singh, has not disputed that in a magisterial trial, the petitioner, who is a lady, has been in custody for more than three years having been arrested on 28.12.2020. The stage of the trial has also not been disputed. However, learned State counsel submits that the case is fixed for today before the trial Court when some more witnesses are likely to be examined.

4. On a pointed query put to the learned State counsel, he has submitted that an amount of ₹7 lakh had been deposited in the account of the petitioner by the complainant. It has however not been disputed by the learned State counsel that it is the husband of the petitioner, who is the prime accused in the case in hand and he is behind bars.

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

6. There is no likelihood of the trial concluding in the near future; there can be no apprehension of the petitioner tampering with any evidence since as conceded by the learned State counsel, the whole case of the prosecution rests on documentary evidence, which has already been collected by the police and is part of the challan.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

February 29th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No