



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

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CRM-M-31671-2024

Date of decision: 17.09.2024

Manju Thakur

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Anoop Kumar Yadav, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.28 dated 25.01.2024 under Sections 420, 467, 468, 471 of the IPC registered at Police Station Shivaji Nagar, Gurugram.

2. Learned counsel for the petitioner submits that the petitioner, who is a lady, has been in custody since 08.05.2024 for allegedly identifying fake surety in a case wherein her daughter was an accused for offences under the NDPS Act. Learned counsel submits that it is a matter of record that the petitioner does not have any criminal antecedents and other than the instant case, she has never been booked in any other criminal case. It has still further been submitted that after the petitioner was arrested not only has challan been presented but even charges framed, however, none of the eight prosecution witnesses have been examined so far, hence, the possibility



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of the trial concluding in the near future seems unlikely.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the stage of trial and the custody period of the petitioner. It has been submitted on instructions that the next date fixed before the learned Trial Court is 24.09.2024 when prosecution evidence is likely to commence. However, attention of this Court has been drawn to the allegations levelled in the FIR which has been annexed as Annexure P-1 and which stands reproduced hereinunder:-

“First Information contents: DD NO. 60 DT 25.01.2024,124-5A DT 25.01.2024 PS SHIVAJI NAGAR GGM TO The SHO P.S Shivaji Nagar Gurugram Subject: For taking action against Arun Kumar trying to impersonate mention in the surety bonds. Sir. On 19.01.2024 at about 3:00 pm a man claiming himself to be Arun Kumar S/o Rajbir, R/o Garhi Bazidpur, Sohna, Gurgaon Haryana 122102 appeared in the court submitting himself to be a surety of accused Sakeena Bibi@Pooja whose bail was allowed vod 18.01.2024 in NDPS case having FIR No. 28 dated 17.01.2024 under section 20(b)(ii)(A) of NDPS Act, PS DLF Sector 29, Gurugram. Arun Kumar submitted his Aadhar Card and RC of his vehicle as surety, the said Aadhar card bearing no.002568703697 could not be verified online and after that he did not appear before Presiding Officer. Aforesaid Aadhar Card is prima facie fake. Therefore, this application is forwarded along with surety bonds with photographs of the man i.e. Arun Kumar. One original Aadhar card bearing no.002568703697 of Arun Kumar S/o Rajbir and a original RC of Vehicle No. HR26DM4846 in the name of Arun Kumar S/o Rajbir has been retained for taking appropriate legal action against the culprit. Sd-Pardeep Kumar (Reader of the court of Sh. Anil Kumar JMFC Gurugram.) No. Dated. Forded the original complaint to SHO Shivaji Nagar for Necessary (Anil Kumar) JMFC Gurugram UID No. HR-0524”

4. Learned State counsel has reiterated the allegations that the petitioner had identified a fake surety as a result of which her daughter,



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who is an accused in a case under the NDPS Act, was enlarged on bail.

5. On a pointed query put to the learned State counsel as to whether the petitioner is booked in any other criminal case, he, on instructions has categorically replied in the negative.

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

7. The petitioner, who is a lady, has been in custody since 08.05.2024 and as not disputed by the learned State counsel, is not involved in any other criminal case. The trial is likely to take considerable time as prosecution evidence is yet to commence. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on her furnishing bail/surety bonds 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.

9. Needless to add, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the same.

17.09.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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