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

Sr. No.226

**CRM-M-37499-2024 (O&M)
Date of decision : 22.10.2024**

Sonal Sadh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vivek Dahiya, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.18 dated 11.07.2023, under Sections 386, 420, 467, 468, 471 & 120-B IPC, registered at Police Station Cyber Crime, Sonipat.

2. The facts of the case are that a complaint was moved by the complainant alleging that on 22.06.2023, he received a message from one Sakshi Tanwar who persuaded him to join a group on telegram-app on pretext of earning money. For some time, he was asked to complete some tasks and transfer money on various occasions. The complainant cumulatively transferred Rs.12,27,000/-, but when later he asked to return his money, the accused informed the complainant that his money is blocked due to some problem in documents and asked the petitioner to transfer a sum of Rs.12,80,000/- in order to unblock the amount and receive the same. When the complainant refused to transfer more money, the accused threatened the complainant that his personal pictures will be shared on social

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media platform, at this point of time, he realized that he has been duped. During investigation, the bank accounts in which the money was transferred were analyzed and one of the accounts which was opened in the name of JMD Enterprises through its Proprietor Sachin Sadh. He was arrested and he suffered disclosure statement disclosing that he had committed the fraud in collusion with Sonal Sadh-petitioner.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. She has been nominated as an accused on the basis of the disclosure statement of the co-accused-Sachin Sadh. It is also stated that the petitioner was not the beneficiary of the amount allegedly duped from the complainant. The petitioner was not even aware of the illegal activities allegedly committed by the co-accused whereby the complainant was defrauded of a sum of Rs.12,27,000/- and the petitioner is alleged to have received a meager sum of Rs.20,000/-. He further submits that there is no other evidence against the petitioner to connect her with the alleged crime. The petitioner has undergone an actual custody of 09 months and 24 days and there are two other criminal cases registered against her, however, one case has been quashed on 22.03.2024 and in other case, she is on bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 09 months and 24 days and is involved in two other criminal cases, however,

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one case has been quashed on 22.03.2024 and in other case, she is on bail. He on instructions from SHO-Sukhbir Singh submits that the charges were framed on 08.05.2024. Out of a total of 08 prosecution witnesses, 02 witnesses have been examined till date. He however, submits that in view of the serious allegations against the petitioner, she is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, charges have been framed on 08.05.2024. Out of a total 08 prosecution witnesses, 02 witnesses have been examined and the conclusion of the trial will take considerable time. The petitioner has undergone an actual custody of 09 months and 24 days and there are two other criminal cases registered against her, however, one case has been quashed on 22.03.2024 and in other case, she is on bail. Therefore, this Court is of the considered view that further incarceration of the petitioner will not serve any purpose.

7. As regards the submission of learned State counsel that petitioner is involved in other criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s).

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“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which she is accused of, or for commission of which she is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would

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proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

22.10.2024
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No