IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107 CRM-M-43751-2024
Date of Decision : **September 17, 2024**

SHEETAL KUMARI

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate and
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J.

1. Through the instant petition, the petitioner craves for indulgence of this Court for him being enlarged on regular bail, in case FIR No.429 dated 08.12.2021, under Sections 406, 420, 506, 120-B of the IPC (Sections 467, 468, 471, 201 of the IPC added subsequently), and, Section 66-D of the Information Technology (Amendment) Act, 2008, registered at P.S. Saran, District Faridabad.

SUBMISSIONS OF THE LEARNED SENIOR COUNSEL FOR THE PETITIONER

2. The learned senior counsel for the petitioner, in his beseeching the relief of regular bail for the petitioner, mainly emphasized upon the order dated 12.8.2024, passed by this Court in CRM-M-33795-2024, whereby, co-accused Vivek Ojha, who is the main accused, has been granted the relief of

regular bail. He further submits that the petitioner has suffered incarceration of more than 3 months as on today, besides emphasizing upon her clean antecedents. He also submits that, out of the total 29 prosecution witnesses cited by the prosecution, none has been examined, therefore, there is no likelihood of the trial to conclude any time soon, and further-more, it is a Magisterial trial. Consequently, subjecting the petitioner to aprolonged incarceration would serve no gainful purpose. Finally, he submits that though there are specific allegations against the present petitioner of receiving an amount of Rs.50 lacs in the account of the present petitioner, but the account was infact maintained by the husband of the present petitioner i.e. co-accused Vivek Ojha, who has already been granted the relief of regular bail.

SUBMISSIONS OF THE LEARNED STATE COUNSEL

3. The learned State counsel has opposed the grant of regular bail to the petitioner. He submits that as per the allegations, a huge amount i.e. Rs.50 lacs was transferred in the bank account of the present petitioner.

4. Moreover, on instructions imparted to him by the official concerned, the learned State counsel has informed that, investigation *qua* the petitioner is already complete, whereupon, Final Report was presented on dated 02.01.2024 and charges were framed on dated 17.05.2024. He has also verified that, out of total 29 prosecution witnesses, none has yet been examined.

ALLEGATIONS AGAINST THE PETITIONER, AND, DETAILS OF INVESTIGATION.

5. The genesis of the present FIR is embodied in a complaint made by one Jatin Ratra, wherein, he alleged that the petitioner and her co-accused

hatched a criminal conspiracy and in furtherance thereof, they committed forgery, cheated him and misappropriated huge amount from him.

6. Succinctly stated, the allegations against the petitioner are that, she along with her co-accused lured the complainant(s) by misleading him that FXPB company is a part of a foreign based company, namely, Tickmill, which gives fixed monthly returns. The accused persons also got prepared a forged website, thus displaying that, if a person would invest ₹ 20,00,000/-, he would get a return of 13.4% over it and if the investment is lesser, the returns would also be lesser. In this way, the petitioner along with her co-accused spread false information and duped gullible persons for crores of rupees.

7. During the course of investigation, it transpired that complainant-Jatin invested a sum of ₹ 33,08,484/- (through bank accounts, cash and cheques) in the company (supra). It further transpired that a sum of ₹10,00,168/- has already been received by the complainant- Jatin, from the accused persons, but, a sum of ₹ 23,08,316/- is yet to be recovered.

8. Likewise, co-complainant Gopal and his relatives invested a sum of ₹ 91,19,200/-, and, co-complainant Narender Gera and his relatives also invested a sum of ₹ 55,22,400/- in the company (supra). Out of ₹ 55,22,400/- a sum of Rs 28,01,280/- has already been received by the complainant-Narender Gera, but, a sum of ₹ 27,21,720/- is yet to be recovered.

9. In this way, a sum of ₹ 1 crore 78 lacs (approx.) was alleged to be embezzled by accused, out of which, a sum of ₹ 1 crore (approx.) is yet to be recovered.

REASONS FOR ALLOWING THE INSTANT PETITION

10. This Court has heard the arguments made by the learned counsels for the parties and also perused the record.

11. Be that as it may, considering the fact that: (i) investigation *qua* the petitioner is already complete, whereupon, Final Report was presented against her on 02.01.2024 and charges were also framed on 17.05.2024; (ii) undisputedly, the petitioner has been in custody since 29.5.2024, and, she is not involved in any other case; (iii) the trial in the instant case is a Magisterial trial; (iv) there is no likelihood of the trial concluding anytime soon, inasmuch as, none out of the total 29 prosecution witnesses has yet been examined; and (v) the co-accused, namely, Vivek Ojha has already been granted the relief of regular bail by this Court, this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

12. Pending application(s), if any, stand disposed of accordingly.

13. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

September 17, 2024
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No