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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-48724 of 2023
Date of decision:- 30.01.2024

SHALU RANI

....Petitioner

Versus

STATE OF U.T.CHANDIGARH

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Arpandeeep Narula, Advocate for the petitioner.

Mr. Deepak Malhotra, Advocate for
Ms. Simsi Dhir Malhotra, Addl. P.P. UT, Chandigarh.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 30.01.2024, the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
94	22.05.2023	420, 120-B IPC(467, 468 and 471 IPC and 24 of the Immigration Act added lateron)	Sector-39, Chandigarh.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present

case. He contends that after presentation of challan, charges have been framed against the petitioner under Sections 420 and 120-B IPC only and there is no allegation qua the petitioner of having committed offences under Sections 467, 468, 471 IPC and Section 24 of the Immigration Act, he has referred to the copy of charge-sheet dated 20.11.2023 in this regard. Learned counsel also contends that petitioner has already been granted concession of bail in FIR No. 95 dated 22.05.2023, Police Station Sector-39, Chandigarh vide order dated 11.12.2023 passed by this Court in CRM-M-48728-2023, as such he prays for grant of concession of bail to the petitioner.

4. Learned State counsel has not disputed the factual matrix of the case. He submits that considering the nature and gravity of offence, petitioner does not deserve concession of bail.

5. After considering the rival contentions and perusing the record, it transpires that as per the allegations leveled in the FIR No.94 dated 22.05.2023, petitioner along with co-accused Vipin Kaushal @ Karan Sharma and Gurbant Singh had assured the complainant to provide him visa for going abroad and had taken ₹12 lacs for that purpose. It is alleged that co-accused Vipin Kaushal @ Karan Sharma and Gurbant Singh had prepared false visa documents with a view to defraud/cheat the complainant. Petitioner was arrested in this case on 23.05.2023 and since then she is in custody, challan has already been presented after completion of investigation and the charges have already been framed by learned trial Court. Admittedly, 11 witnesses have been cited by the prosecution and none of them has been examined till date. The conclusion of trial in the present case

triable by the Magistrate may take sufficient long time to ascertain criminal liability, if any of the petitioner and no useful purpose would be served by keeping the petitioner behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

30.01.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No