



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

CRM-M-46607-2024
Date of decision: 14.10.2024

Shakhnoza Rakhimova

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. G.S. Madaan, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

Mr. Sourabh Goel, Advocate and
Ms. Anju Bansal, Advocate for respondent No.2.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS seeking grant of regular bail in criminal complaint No.121 dated 11.09.2024 titled Senior Intelligence Officer Vs. Saikha Yergeshova and others, under Section 135 of the Customs Act, read with Section 61 of BNS 2023, pending in the Court of learned Chief Judicial Magistrate, Mohali.

2. The brief facts of the case are that complainant i.e. Directorate of Revenue Intelligence and its official, while acting on the basis of specific intelligence, on 13.07.2024 intercepted the petitioner and his two companion, while they were sitting in the boarding area, after clearing customs and immigration at the international departure area of Chandigarh International Airport. On personal search of their hand bags and checked in baggage, 68,800 US dollars having market value of Rs.57,49,616/- were recovered from possession of the petitioner, 69,620 US dollars having market value of Rs.58,18,142/- were recovered from possession of co-accused Saikha Yergeshova and 68,900 US dollars were recovered from



possession of co-accused Feruza Urishova having market value of Rs.57,57,973/-. All the accused including petitioner are foreign nationals. They failed to account for the said foreign currency as earlier on their arrival in India, they did not declare the said foreign currency to the Custom Authorities in 'currency declaration form'. The aforesaid foreign currency was seized by the Custom Authorities and the accused were apprehended.

3. The counsel for the petitioner submits that petitioner is a foreign national being citizen of Uzbekistan. The petitioner is falsely implicated in the present case by Custom Authorities. It is further submitted that the petitioner is in custody for the last more than 3 months and on completion of investigation, the Custom Authorities have filed criminal complaint Annexure P-1 against the petitioner and other two accused persons. It is further submitted that recoveries in this case are already effected and it will take time for final disposal of the complaint and presently, petitioner is lodged in judicial custody. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

4. The present petition is resisted by counsel for respondent No.2 who has filed short reply by way of affidavit of Namit Kishore Chaturvedi, which is taken on record.

5. The counsel for respondent No.2 *inter alia* contends that no doubt, recoveries in the present case are effected from the petitioner and two other accused and complaint has been filed in the Court of competent jurisdiction against the petitioner, but investigation in the present case is still under progress in order to probe source of the foreign currency and its final destination. It is further submitted that in case the petitioner a foreign national is released on bail, there are chances that the petitioner may abscond. However, counsel for respondent No.2 has not disputed the fact that petitioner who is presently lodged in judicial custody is incarcerated for the last 3 months and as per record is having no criminal history in territory of India. The counsel for respondent No.2 has apprised the Court that the passport of the petitioner is already in the custody of Custom Authorities.

6. I have considered the submissions made by counsel for the



parties.

7. The recoveries of foreign currency as detailed above are already effected from petitioner and two other persons, who were apprehended from Chandigarh International Airport, when they were in process of boarding a flight to Abu Dhabi on 13.07.2024. The petitioner was apprehended at the spot and is in custody for the last 3 months. The Custom Authorities have filed complaint under Section 135 of Customs Act, read with Section 61 of BNS 2023 against the petitioner and other two co-accused in the Court of Chief Judicial Magistrate, Mohali. It will take time for conclusion of trial in the aforesaid criminal complaint. So, no purpose is going to be served by keeping the petitioner in custody for any longer period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to her furnishing personal bond in sum of Rs.3,00,000/- with two sureties each of the same amount to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Further, the petitioner is not to leave India during the pendency of aforesaid criminal proceedings without the prior permission of the Court concerned.

14.10.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**