

CRM-M-5718-2025

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

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CRM-M-5718-2025

Date of decision: 12th August, 2025

Mamta Rani

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parveen Kaushik, Advocate for the petitioner.

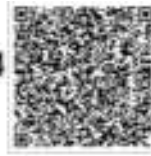
Ms. Himani Arora, Deputy Advocate General, Haryana.

Mr. Chandan Singh, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

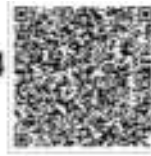
The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 265 dated 25.03.2023 registered under Sections 406, 415, 420, 467, 468, 471 and 506 of IPC (Sections 467, 468 and 471 of IPC deleted later on) at Police Station Samalkha, District Panipat.

The aforementioned FIR was registered on the basis of complaint lodged by the complainant Parveen Kumar alleging therein that the accused Ajay Kumar was proprietor of the firm M/s Durga Engineering which was indulged in the business of taking contracts of mechanical engineering of M/s Nestle India Limited Company situated at Samalkha. The present petitioner, who is wife of accused Ajay was working as



Manager of the above named firm whereas accused Vicky, Bimal, Harish and Janak Garg were other family members of accused Vijay. Accused Sandeep Dagar was working as supervisor in the firm of accused Ajay. The accused Bimal and her husband Janak Garg allured the complainant to invest money in the firm of accused Ajay Kumar by assuring handsome returns. On being so induced and after being allured by the other accused as well, the complainant became ready to invest a sum of Rs. 27,000/- in the firm of accused Ajay Kumar. A partnership deed was executed between the complainant and accused Ajay on 03.06.2022 which was registered. As per the terms of that deed, the complainant became partner to the tune of 60% share whereas the remaining 40% share remained with accused Ajay. The accused in connivance with each other made the complainant invest more amount of money in cash on the allurements that he would be gaining handsome profits. However, subsequently, he came to know that the accused persons were involved in cheating and defrauding innocent persons and they had executed partnership deed with one Prem Chand also in the past who was made to invest a huge amount of money. Several other persons had been cheated in the similar manner.

3. As per the further allegations, in the meanwhile, the petitioner and the co-accused had absconded. Their phones were found to be switched off. They started extending threats to the complainant with the intervention of some respectable persons. A compromise was effected and the accused had assured to return a sum of Rs. 5,00,000/- on 31.10.2022 but failed to do so. The complainant therefore, prayed for taking action against them. After registration of FIR, investigation proceedings were initiated. Proclamation



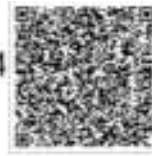
proceedings were initiated against the petitioner and her husband as they were absconding. They were, however, arrested on 08.09.2024. On interrogation, they suffered disclosure statements. Accused Ajay got recovered cash amount of Rs. 1,00,000/-. Co-accused Vicky was extended benefit of bail. Investigation qua the petitioner's stands completed.

4. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. She is in custody since 08.09.2024. The subject offences are triable by Magistrate. The offence under Section 406 is antithesis to the offence under Section 420 of IPC and is also not made out against her. Offences under Sections 467, 468 and 471 of IPC have been deleted. There is no allegation that she had prepared any false and fabricated document. As such, no case for commission of offences of forgery or use of forged documents has been made out against her as well. She has clean antecedents. Trial will take time to conclude. Her further incarceration would not serve any useful purpose. It is, therefore, urged that she deserves to be released on bail.

5. Custody certificate has been filed. It is argued by learned State counsel assisted by learned counsel for the complainant that keeping in view the gravity of the allegations as levelled against the petitioner, she does not deserve to be extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner is in custody since 08.09.2024. Trial has commenced but will take time to conclude. The offences for which he has



been charge-sheeted are triable by Magistrate. The petitioner does not have any criminal antecedents. No useful purpose would be served by keeping her in custody anymore. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to her furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

12th August, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*