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

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CRM-M-38448 of 2025
Date of Decision: 16.09.2025

Balraj Kaur @ Mahi Gill

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Rohit Singla, Advocate
for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.67 dated 14.03.2024 registered under Sections 406, 420 and 120-B of IPC and Section 24 of the Immigration Act, at Police Station Mataur, District SAS Nagar.
2. Brief facts of the present case as per the prosecution are that, the petitioner along with other co-accused had cheated the complainant and other victims for huge amount of money, on the pretext of sending them abroad.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and she has no concern with the said offence. He argued that neither the petitioner was beneficiary of the



alleged transactions nor any money has ever been received by her directly or indirectly. He further argued that in fact, it is the co-accused, namely, Nishan Singh, who is the main accused in the present case as the petitioner was junior employee of the company whose job was to ensure collection of required documents from the clients for processing their visa. It has also been contended that the petitioner has left the job in January 2024 and the last salary paid to her by the company was on 13.12.2023. Rather, she herself is a victim of the conduct of the company as she has not been paid her salary regularly by the company. The petitioner is in custody since 11.11.2024. Nothing is to be recovered from the petitioner. The investigation in the case is complete, challan stands presented and charges have also been framed. There are total 10 prosecution witnesses in the present case and out of which, only 02 have been examined so far and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping her behind the bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the status report in the matter, which is taken on record and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner is also involved in multiple cases of similar nature meaning thereby she is a habitual offender.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody



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for the last more than 10 months; investigation is complete; challan stands presented, charges have also been framed; remaining witnesses are yet to be examined, and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining her in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of her rights under Article 21 of the Constitution of India.

7. Reliance is placed upon in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

8. As regards the submission of learned State counsel that petitioner is involved in other/one more 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). The relevant portion of the said judgment is reproduced herein-below:-

"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

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other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

9. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

16.09.2025*D.Bansal*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No