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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41241-2025 (O&M)
Date of Decision: 09.12.2025

Monika Sharma ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. G.K. Maan, Senior Advocate with
Mr. Anmol Jeevan Singh Gill, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the third petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case arising out of FIR No.0052 dated 29.03.2024 registered under Sections 120-B, 395, 451, 452, 411, 392, 342 and 506 of IPC at Police Station Ajnala, District Amritsar Rural. The previous petitions were dismissed as withdrawn.
2. The aforementioned FIR was registered on the basis of a complaint filed by complainant Surinderpal Sehgal alleging that in the morning of 29.03.2024, he had taken out his scooter from his house and parked it outside. He was going towards his house after bringing the keys

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when he was caught hold of by three youths who were having their faces covered. They pulled him inside his house, bolted the main door and started demanding keys of the almirah from him. They closed the mouth of his wife Veena with a tape and tied his limbs. One of them pointed a pistol towards him and threatened to kill them, if they resisted. They broke open the lock of the almirah kept in the house, took out cash amount of Rs.15-16 lakhs and gold jewelry kept therein and after ransacking his entire house, left while extending threats to them. After registration of FIR, investigation proceedings were initiated.

3. As per the further allegations, during investigation, a secret information was received that the accused Pawan Sharma, Gurpreet Singh, Ashok Kumar and Naresh Kumar were involved in the occurrence. They were nominated as accused. They were arrested on 02.04.2024 and recovery of total cash amount of Rs.11,70,000/- out of the looted money had been effected from them in pursuance of the disclosure statement suffered by them. On 05.04.2025, the accused Pawan Sharma suffered another disclosure statement to the effect that the offence was committed in pursuance of a conspiracy hatched by the petitioner and co-accused Amarjit Kaur @ Preet Ali and after the occurrence, co-accused Amarjit Kaur @ Preet Ali had given some gold ornaments to him and the co-accused to sell the same and had retained the remaining gold ornaments with her. He also disclosed that he along with accused Naresh Kumar had sold some gold ornaments to one jeweler Harpreet Singh for Rs.11 lakhs which was distributed amongst themselves. The petitioner along with the co-accused

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Amarjit Kaur @ Preet Ali and Harpreet Singh was nominated as additional accused. Co-accused Amarjit Kaur @ Preet Ali, during her interrogation, stated that she was a spiritual leader and the petitioner also used to sit with her and other co-accused used to pay obeisance to her. The petitioner, who lived in the house of the complainant as a tenant, had disclosed about his financial condition and then all of them had hatched a conspiracy to commit robbery in the house of the complainant in pursuance of which the occurrence was committed. She got recovered gold ornaments taken away from the house of the complainant. The investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of the aforementioned offences.

4. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. She was nominated on the basis of the disclosure statement of the co-accused which cannot be considered to be admissible in evidence. She was not named in the FIR. A false recovery has been planted upon her. The trial will take considerable time to conclude. She is in custody for a period of more than 01 year and 07 months. Her continued detention is not going to serve any useful purpose. She has clean antecedents. Co-accused Amarjit Kaur @ Preet Ali has already been granted concession of bail by this Court. On parity, she too deserves to be given the same benefit. It is, therefore, urged that she deserves to be released on bail.

5. *Per contra*, learned Assistant Advocate General, Punjab has argued that there are serious allegations against the petitioner who hatched a conspiracy with the co-accused in pursuance of which they had committed

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the offence of robbery/dacoity in the house of the complainant by criminally trespassing into the same. Recovery of an amount of Rs. 65,000/- has been effected from her. There are chances of her intimidating the witnesses and absconding if extended benefit of bail. It is, therefore, urged that she does not deserve to be released on bail.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to be a part of the conspiracy that was hatched along with the co-accused to commit offence of robbery/dacoity at the house of the complainant. Though she was not present at the spot at the time when cash amount of money and gold jewelry had been taken away from the house of the complainant, but she has been found to be in possession of an amount of Rs.65,000/-, which was allegedly looted from the house of the complainant. The allegations prima facie suggest her complicity in the subject offences. However, now she has remained in custody for a period of more than 01 year and 07 months. The material witnesses have since been examined and there are no chances of her intimidating them. She has clean antecedents. The trial will take considerable time to conclude. Similarly situated co-accused has already been granted concession of bail by this Court, as mentioned above. No fruitful purpose is going to be served by keeping her in custody any more. It is well settled proposition of law that the trial during incarceration should not be a replica of post conviction sentencing. Keeping in view the above discussed facts, the antecedents of the petitioner, the part alleged to be played by her and the attendant facts but without meaning to make any

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comment on the merits of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be admitted to bail subject to her furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

09.12.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No