



CRM-M-43624 of 2025

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

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CRM-M-43624 of 2025
Date of Decision: 17.09.2025

Prerna Jamwal

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Ms. Mahima Dogra, Advocate and
Mr. Satyam Tandon, 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.365 dated 12.12.2024 registered under Sections 420, 465, 467, 468, 471 and 120-B of IPC, at Police Station Dera Bassi, 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 to the tune of Rs.45,89,499/-, on the pretext of delivering new cars without waiting period.

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 in fact, it is Guraman Tinna, who is the main accused in the present case and he has compromised the matter with the complainant upon which he has not been charge-sheeted. He further argued that no money was transferred to the account of the present petitioner. He further argued that the petitioner was granted the concession of interim regular bail by the Court of learned Additional Sessions Judge, SAS Nagar, vide order dated 07.01.2025 but later on, the same was dismissed, vide order dated 20.03.2025. Moreover, the petitioner has clean antecedents as she is not involved in any other case. The petitioner is in custody since 18.12.2024. The investigation in the case is complete and challan also stands presented. Further, co-accused Guraman Tinna and Sourabh Sharma have already been granted the concession of anticipatory bail by the Court of learned Additional Sessions Judge, Mohali, vide orders dated 24.01.2025 and 24.02.2025, respectively. He further submits that 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. On the other hand, learned State counsel has filed the custody certificate in the matter, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, he on instructions of ASI Daulat Singh, has not controverted the fact that no money was transferred to the account of the present petitioner. It has also not been controverted that the petitioner is first time offender as she is not involved in any other case.



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5. 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 for the last more than 06 months; investigation is complete; challan stands presented, 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.

6. Reliance is placed upon a judgment in the case of ***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*".

7. 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

17.09.2025

D.Bansal

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