



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

253

**CRM-M-62002-2025
Decided on : 02.12.2025**

Jyoti

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Rampal Kaushik and Mr. Deepak Jaglan, Advocates
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana
for the respondent-State.

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.356 dated 13.06.2024, registered under Sections 420, 406 and 34 IPC, at Police Station Azad Nagar, District Hisar.

2. Brief facts of the present case, as per prosecution, are that the petitioner along with her accomplices duped the complainant Sachin for a sum of Rs.17,50,000/- on the pretext of sending him abroad.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as no offence has been committed by her. Learned counsel contends that neither the petitioner was named in the FIR nor she has any concern with the offence. Learned counsel submits that the



petitioner has 03 years old daughter who needs care of her mother. He further contends that the petitioner has not taken any money from anyone. Learned counsel submits that the petitioner never assured the complainant to send him abroad rather she has been named in the FIR only because she is the wife of co-accused Himanshu and holds joint account with him in which money was transferred. Learned counsel submits that there is a huge delay in lodging the FIR as the complainant allegedly gave Rs.15,50,000/- in the month of May, 2022 and Rs.2,00,000/- on 02.08.2022 and the complaint was filed on 13.06.2024 i.e. after more than 1 ½ year. Learned counsel submits that co-accused Kavita Devi and Mukesh have already been granted the concession of anticipatory bail by a Coordinate Bench of this Court vide order dated 10.07.2024. He further contends that the offence is triable by the Magistrate and nothing is to be recovered from the petitioner. The petitioner is in custody since 25.09.2025. The investigation in this case is complete and challan also stands presented. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping her behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel, has filed the custody certificate of the petitioner as well as the status report which are taken on record. He has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious in nature. He further submits that the petitioner is direct beneficiary of the cheated amount and is also involved in one more case meaning thereby she is an habitual offender.

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 02 months and 07 days; there is delay in moving the complaint, co-accused Kavita Devi and Mukesh have already been granted the concession of anticipatory bail by a Coordinate Bench of this Court, investigation is complete; challan stands presented, as such, the trial may take a long time to conclude, no useful purpose would be served by detaining her in further custody. Her continued detention without the prospect of the trial being concluded in the near future would be violative of his 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 his 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. As regards the submission of learned State counsel that petitioner is involved in other/another 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 other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

8. 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.

02.12.2025
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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