



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

222

**CRM-M-64814-2025
Decided on : 12.12.2025**

Chhavi Sharma

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Naresh Jain, Advocate
for the petitioner.

Mr. Amritpal Singh Gill, DAG, Punjab
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.247 dated 25.12.2023, registered under Sections 406, 420 IPC and Section 24 of the Immigration Act (Sections 465, 467, 468 IPC added lateron), at Police Station Mataur, SAS Nagar.

2. Brief facts, as per the prosecution case, are that the petitioner alongwith co-accused duped the complainant Jagpal Singh for a sum of Rs.11,00,000/- on the pretext of sending his son abroad.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further



contends that the petitioner has no concern with the said offence and nothing is to be recovered from her. Learned counsel contends that the petitioner has a minor son who needs her support. He further submits that the offence is triable by Magistrate and maximum punishment prescribed for the offence is upto 07 years. The petitioner is in custody since 17.05.2024. The investigation in this case is complete; challan stands presented; charges have been framed and out of 11 prosecution witnesses, only five have been examined till date. Learned counsel submits that the trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the instant petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, filed the custody certificate of the petitioner, which is 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 also involved in multiple other 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 for the last more than 01 year 06 months and 07 days; investigation is complete; challan stands presented, charges have been framed, out of 11 prosecution witnesses, only five have been examined till date, as such, the trial will take a long time to conclude and no useful purpose would be served by detaining her in further custody. Her 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 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*".

8. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

9. In this regard, reference is being made to the law laid down by the Hon'ble Supreme Court in the context of right to speedy trial under Article 21 of the Constitution of India on the following decision:- ***Akhtari Bi Vs. State of M.P., (2001) 4 SCC 355, Surinder Singh Alias Shingara Singh Vs. State of Punjab, (2005) SCC (Crl) 1674, P. Ramachandra Rao Vs. State of Karnataka, (2002) 4 SCC 578, Babu Singh and others Vs. State of U.P., (1978) 1 SCC 579, Takht Singh and others Vs. State of M.P., (2001) 10 SCC 463; Special Leave to Appeal (Crl) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC 752.***

10. 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."

11. 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.

12.12.2025
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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