



CRM-M-2945 of 2026

-1-

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

229

CRM-M-2945 of 2026
Date of Decision: 12.03.2026

Neha Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Amitjot Singh Dhaliwal, 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.241 dated 30.06.2024 registered under Sections 406, 420, 465, 467, 471 and 120-B of IPC, at Police Station City Kharar, District SAS Nagar.
2. Brief facts as per the prosecution case are that the petitioner along with co-accused had cheated the complainant for a sum of Rs.15 lakhs, on the pretext of allotting two flats to her.
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and she has no concern with the said offence. He further submitted that the petitioner has been roped in the present FIR solely because she is the wife of co-accused

**CRM-M-2945 of 2026****-2-**

Shiv Kumar and was present at the spot when deal was finalized. He argued that the petitioner is a house wife. He further argued that the petitioner neither knows the complainant personally, nor any agreement was signed between them. He further argued that it is Sukhwinder Singh @ Sukha, who is the actual owner of the said properties in question. He argued that if the contents of the FIR are taken to be true, even then no specific overt act has been attributed to the present petitioner. He further argued that the dispute in the present case is of civil nature, which has been given criminal colour by registering the present FIR. He further argued that no offence under Section 420 IPC is made out against the petitioner as the contents of the FIR do not fulfill the ingredients of cheating in any manner. No recovery is to be effected from the petitioner. The petitioner is in custody since 02.10.2025. The investigation in this case is complete, challan stands presented but charges are yet to be framed. He further submitted that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind 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 of the petitioner as well as the status report in the matter, which are taken on record and while referring to the status report, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He argued that the petitioner is specifically named in the FIR and she has actively participated in the crime. He has further submitted that the petitioner is also involved in two other cases meaning thereby she is a 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 more than 05 months; investigation is complete; challan stands presented; charges are yet to be framed; the complicity of the petitioner is a matter of trial, and will take a long time to conclude. Thus, 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 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 her 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. 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:-



CRM-M-2945 of 2026

-4-

"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.

12.03.2026*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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