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CRM-M-9424-2026

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-9424-2026

Date of decision: 27.04.2026

CHHAVI SHARMA

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

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

Ms. Amrit Kaur Mahir, AAG 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.25 dated 03.02.2025 registered under Sections 406, 420 of IPC & 24 of the Immigration Act, at Police Station Mataur, District SAS Nagar.

2. Brief facts as per the prosecution case are that the petitioner along with co-accused duped the complainant for a sum of Rs.13,00,000/-, under the pretext of sending his son abroad. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He further submitted that the complainant himself voluntarily deposited an amount of Rs.13,00,000/- for facilitating the migration of his son abroad. However, there is no allegation of fraudulent or dishonest intention and thus, no



of the FIR do not fulfill the ingredients of cheating in any manner. He further submitted that the entire case is based on documentary evidence which are already in possession of the complainant or the investigating agency, hence, nothing is to be recovered from the petitioner. The petitioner is in custody for more than 01 year, 01 month. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 16 prosecution witnesses and out of them, only 05 have been examined till date and as such, 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. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record and while referring to the status report already filed in the matter she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She has further submitted that the petitioner is involved in multiple 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 01 year, 01 month; investigation is complete; challan stands presented; charges framed; out of 16 prosecution witnesses, only 05 have been examined till date; the complicity of the petitioner is a matter of trial; which is proceeding at snail's pace, and will



detaining her in further custody. Her continued detention without the prospect of 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:-

"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.

27.04.2026	(RUPINDERJIT CHAHAL)	
puneet	JUDGE	
i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No