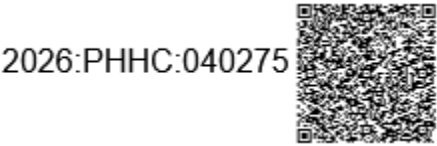


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-70097-2025 (O&M)

Neha Sharma

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	12.03.2026
2.	The date when the judgment is pronounced	16.03.2026
3.	The date when the judgment is uploaded on the website	16.03.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. A.S. Dhaliwal, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.219, dated 25.06.2024, registered under Sections 201, 406 and 420 IPC, at Police Station City Kharar, District SAS Nagar.
2. The aforementioned FIR was registered on the basis of a

written complaint moved by complainant – Kamaldeen on the allegations that his son Nasir Deen was interested to buy some property and had come into contact with accused Shiv Kumar, who was proprietor of 'Rehas Properties' and had represented to him that he was an authorized agent of Beniwal Homes/Ekam Heights Builders for the purpose of negotiating deals for selling their apartments. On the representation made by accused Shiv Kumar, a deal was struck between Nasir Deen and the above named Shiv Kumar for purchase of two BHK Flats at Beniwal Homes/Ekam Heights for a sum of Rs.31 lakhs. A booking amount of Rs.1 lakh had been given by son of the complainant to Shiv Kumar through Google Pay. Subsequently, a total amount of Rs.12 lakhs was deposited by son of the complainant. Another agreement was executed on 11.12.2023, as per which the remaining amount of Rs.19 lakhs was to be paid at the time of registration of the sale deed on 25.02.2024. However, accused Shiv Kumar did not get the sale deed executed and kept on putting of the matter on one pretext or the other. On 28.03.2024, accused Shiv Kumar told the complainant that no flat was available and in order to return the money given by son of the complainant, four post dated cheques for a sum of Rs.13 lakhs, were issued in favour of son of the complainant. However, all those cheques were dis-honoured. Thereafter, the petitioner along with accused Shiv Kumar and Sukhwinder Singh owners of Beniwal Homes/Ekam Heights stopped responding to the calls of the complainant/his son. By alleging that they had been duped of their hard earned money, the complainant prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. The petitioner evaded her arrest. A lookout circular was issued against her and she was arrested from Chennai Airport upon her arrival from Malaysia on 26.09.2025. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. She is in custody since 01.10.2025. The trial will take considerable time to conclude. No useful purpose would be served by detaining her in custody anymore. The subject offences are triable by the Magistrate. It is, therefore, argued that she deserves to be released on bail.

5. Per contra, learned State counsel has argued that there are serious allegations against the petitioner. She is involved in two more cases of similar nature. There are chances of her absconding or committing similar offences, if extended benefit of bail. It is, thus, stressed that she does not deserve to be extended the benefit of regular bail.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner along with her husband is alleged to have duped the son of complainant of his hard earned money on the pretext of providing a two BHK flat to him. She is in custody since 26.09.2025. The offences for which she has been booked are triable by the Magistrate. Even charges have not been framed so far and therefore, the trial would obviously take time to conclude. The continued incarceration of the

petitioner is not going to serve any fruitful purpose. It is well settled proposition of law that pre-trial incarceration should not be a replica of post conviction sentencing and that bail is the rule and jail is an exception.

8. Taking into consideration the above discussed facts, this Court is of the considered opinion that a case for grant of bail to the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on her furnishing personal as well as surety bonds to the extent of two sureties in the like amount each, to the satisfaction of the learned trial Court/Duty Magistrate concerned, and subject to the condition that she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. She shall appear before the learned trial Court on each and every date of hearing except when her presence has been exempted by the trial Court. She shall surrender her passport, furnish details of her cell phone and Aadhar card, and shall not change her mobile number(s) during the pendency of the trial.

9. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

16.03.2026

harjeet

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