

CRM-M-11703-2023

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2023:PHHC:088303

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-11703-2023**Date of Decision:-14.07.2023****Anita Seth.**

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. K.S. Dadwal, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.24 dated 23.01.2023 under Sections 419, 420, 467, 468, 471, 120-B IPC registered at Police Station Sohana, District SAS Nagar, Mohali.

2. The brief facts of the case are that the petitioner and her husband along with other family members were accused in Complaint No.3 dated 22.09.2021 under Sections 44, 45 of the PMLA, 2002 read with Section 3, 71 and punishable under Section 4 of the PMLA, 2002. The petitioner and her husband were summoned to face trial in the said complaint case. While the petitioner was granted the concession of anticipatory bail, her husband was taken into custody.

Thereafter he preferred an application for the grant of regular bail and this Court vide order dated 06.01.2023 granted bail to the husband of the petitioner on the imposition of certain conditions.

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As per the allegations, at the time of release on bail, the petitioner had allegedly furnished forged sureties to the Court in order to obtain the release of her husband Suresh Seth. The petitioner had purportedly produced imposters with forged Aadhaar Cards while impersonating the actual Gurmej Singh and Hardev Singh sons of Pal Singh residents of Geri Tehsil, Amritsar. On a complaint of the Court, an enquiry was conducted by the investigating agency leading to the registration of the instant FIR.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact the petitioner had received a call to get prepare an FDR from her account in order to get her husband released from jail. The FDR in question was prepared and the petitioner appeared in the Mohali Courts along with said FDR. However, she was asked to wait outside the court and subsequently her relatives informed her that the Court had declined to accept the FDR and had in fact directed that the personal bonds and surety bonds be filed. The petitioner had got prepared her own personal bonds but at the instance of some relatives of her husband, some unknown persons had appeared in the Court whose documents had appeared to be fictitious. The said persons who had appeared at the instance of her relatives immediately fled from the Court. Subsequently her husband was released on bail on 09.01.2023 on the basis of a fixed deposit made in favour of the CJM, Mohali for an amount of Rs.10,000/-. The learned Counsel contends that once the husband of the petitioner had been released on the basis of the FDR, no cause was left for the petitioner to produce any other persons as sureties. He reiterates that the fictitious persons had not been produced by the petitioner but rather by some relatives of her husband and the petitioner was unaware about the said fact.

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Even during the course of investigation, no link was established between her and the alleged imposters Gurmej Singh and Hardev Singh. As the petitioner was a lady of the age of 52 years and was also ailing with multiple health issues, she was entitled to the concession of bail as the case was otherwise triable by the Court of a Magistrate, she was in custody since 23.01.2023 and none of the 16 prosecution witnesses had been examined so far thereby delaying the conclusion of the Trial.

4. The Counsel for the State on the other hand contends that a serious fraud was played upon the court at the instance of the petitioner. Therefore, she did not deserve any sympathy whatsoever. She however, states that the petitioner is a first time offender, in custody since 23.01.2023 and none of the 16 prosecution witnesses had been examined.

5. I have heard the learned counsel for the parties.

6. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab*** bearing CRM-M-24033-2021(O&M) Decided on 31.08.2022 has held as under:-

“ Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant. ”

7. The veracity of the prosecution case against the petitioner shall be established during the course of Trial. Nothing significant has been pointed out by the State that the petitioner would abscond from the Trial, tamper with the evidence or influence the witnesses if she is granted the

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concession of regular bail. Even otherwise, as the petitioner is in custody since 23.01.2023 and none of the 16 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon. Therefore, her further incarceration is not required more so as she is a lady.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Anita Seth** wife of Sh. Suresh Seth is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner (or anyone on her behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 14, 2023
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>