

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 52 OF 2017  
(Arising out of SLP (Criminal) No. 6836 of 2016)

DALJIT KAUR GORWARA

... Appellant

VERSUS

STATE OF HIMACHAL PRADESH AND ANR.

... Respondents

O R D E R

Leave granted.

The brief facts involved in the instant appeal are that a complaint was filed by the respondent No. 2-Company against the appellant and her family members alleging that they were using forged documents, fake stamp seals, fake letter heads, fraudulent fictitious bank accounts, impersonating themselves as other companies to embezzle and cheat money from it. Pursuant to this, an FIR was registered against the appellant and her family members under Section 420, 468 and 471 of the Indian Penal Code (IPC).

The appellant herein filed the bail application and the Trial Court, vide order dated 19.12.2014, allowed the same on the ground that there is no chance of the appellant herein absconding since her passport has been seized by the police and that the appellant, who allegedly acted in the capacity of a Director, being a woman and having sufficient roots in the society and willing to abide by the conditions imposed by

the Court, she is no more required for effective investigation under the police remand.

Aggrieved, respondent No. 2 preferred a petition being Cr.MMO No. 38 of 2015 for cancellation of bail under Section 439(2) and 482 of the Code of Criminal Procedure, 1973, before the High Court of Himachal Pradesh against the order of the Trial Court. The appellant also filed a petition numbered as Cr.MMO No. 132 of 2015 for quashing of the proceedings arising out of the FIR lodged by the complainant/respondent No. 2 against her wherein the High Court vide order dated 19.05.2015 granted stay of further proceedings.

The High Court vide the impugned order dated 20.07.2016 allowed the petition for cancellation of bail and quashed the order of the Trial Court principally on the ground that the Trial Court afforded the appellant with the facility of bail merely on the ground of her being a woman.

Aggrieved the appellant has filed the instant matter.

We have heard the matter finally.

It is clear from the aforesaid facts that the High Court had allowed the petition of respondent No. 2 herein and accordingly, the order of the Trial Court granting bail to the appellant was quashed on the ground that the Trial Court was influenced while granting bail to the appellant as she was a women.

On a perusal of the order passed by the Trial Court, we find that it is not factually correct. The Trial Court considered all relevant aspects of the matter on merits, in addition to the provisions of Section 437 of the Code of Criminal Procedure. In totality of circumstances as discussed by the Trial Court, we find that the appellant was entitled to be released on bail. We, therefore, set aside the order of the High Court and restore the bail order granted by the Trial Court.

The appeal stands disposed of accordingly.

....., J.  
[ A.K. SIKRI ]

....., J.  
[ R.K. AGRAWAL ]

New Delhi;  
January 09, 2017.

ITEM NO.66

COURT NO.8

SECTION IIC

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 6836/2016

(Arising out of impugned final judgment and order dated 20/07/2016 in CRMMO No. 38/2015 passed by the High Court of Himachal Pradesh at Shimla)

DALJIT KAUR GORWARA

Petitioner(s)

VERSUS

STATE OF HIMACHAL PRADESH AND ANR.

Respondent(s)

(With appln. (s) for exemption from filing c/c of the impugned judgment, interim relief and office report)

Date : 09/01/2017 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s) Mr. Harneet Oberoi, Adv.  
Mr. Pallav Mongra, Adv.  
Ms. Jasmine Damkewala, Adv.

For Respondent(s) Mr. Sanjeev Sagar, Adv.  
Mr. Yogesh Kumar Dahiya, Adv.  
Mr. Kripa Shankar Prasad, Adv.  
Ms. Manjul Dahiya, Adv.  
Mr. Chandra Bhushan Prasad, Adv.  
  
Mr. Varinder Kumar Sharma, Adv.  
Mohd. Shahid Hussain, Adv.  
Ms. Parul Sharma, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal stands disposed of in terms of the signed order.

Pending application stands disposed of.

(Nidhi Ahuja)  
Court Master

(Mala Kumari Sharma)  
Court Master

[Signed order is placed on the file.]