

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30302-2015

Date of Decision: September 24, 2015

Nisha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Ajay Singla, Advocate,
for the petitioner.

Mr. P.S. Ghuman, Addl. AG, Punjab,
for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of regular bail to the petitioner, Nisha, wife of Kalia @
Kalu, resident of Aariya Nagar Chowk, Police Station, Jwalapur,
District Haridawar, who has been booked for having committed
the offences punishable under Sections 304 and 328, IPC, and
Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956,
in a case arising out of FIR No. 11, dated 17.1.2015, registered at
Police Station, Phase XI, SAS Nagar.

Learned counsel contends that as per the allegations levelled by Inderjeet Kaur, a girl Sadhna (since deceased) was sent by Parmod Kumar, to Jaswinder Singh @ Sonu for immoral purposes. Sadhna was administered some intoxicant substance and as a result thereof she died. During investigation, Parmod Kumar disclosed that the offences were committed with the active connivance of the petitioner and other accused.

Learned counsel for the petitioner further contends that even if whole case of the prosecution is taken at its face value, then also there is no legal evidence against the petitioner to connect her with the offences for which she has been booked, except the disclosure statement of her co-accused, Parmod Kumar. The said disclosure statement has no evidentiary value. He further contends that the petitioner who is a 34-year old woman, is neither required nor involved in any other case. He also contends that after completion of the investigation, the charge-sheet (challan) has already been presented, therefore, her custody would not be of any consequence.

Learned counsel for the State on instructions from HC Sanjay Kumar of Police Station, Phase XI, SAS Nagar, very fairly admits that except the disclosure statement of Parmod Kumar,

there is no other legal material to connect the petitioner with the offences for which she has been booked.

After hearing learned counsel for the parties this Court is of the considered opinion that evidentiary value of the disclosure statement suffered by Parmod Kumar would be a moot point during course of trial.

Keeping in view totality of the facts and circumstances of the case, the present petition is allowed. The petitioner, Nisha, wife of Kalia @ Kalu, resident of Aariya Nagar Chowk, Police Station, Jwalapur, District Haridawar, is directed to be released on bail during pendency of the trial of the present case subject to her furnishing bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, SAS Nagar.

(NARESH KUMAR SANGHI)
JUDGE

September 24, 2015
Pkapoor