

CRM-M-1138-2017

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of Decision: 09.02.2017

Shifali Jindal alias Shelly

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. P.S.Ahluwalia, Advocate,
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Shifali Jindal alias Shelly has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.208 dated 22.10.2016, registered at Police Station Kotwali Patiala, District Patiala, under Sections 365, 363 and 120-B of the Indian Penal Code.

Notice of motion has been issued. Learned State counsel appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that as per the FIR, three women impersonating themselves as doctors induced the complainant and took

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her alongwith her child to Rajendra Hospital and then to Gurudwara. They also provided some food items and clothes etc. When the complainant went to change the new clothes, as per conspiracy of those ladies her one month child namely Ashwin was taken away and sold to Komal Gupta. The present petitioner is not among those three ladies who kidnapped the child. Therefore, the petitioner is not the main accused. The petitioner is not beneficiary of the amount taken for sale of the child and no money has been deposited in her account. Moreover, child has not been recovered from the present petitioner, rather has been recovered from the custody of Komal Gupta.

The main allegation against the present petitioner is under Section 120-B IPC and that is also on the basis of disclosure statement of co-accused i.e. her mother. It is also argued that the main evidence against the present petitioner is the disclosure statement of the mother of the petitioner, who is co-accused.

Furthermore, the petitioner has been in jail since 06.11.2016 alongwith her minor child. She is not required for any investigation or interrogation purposes as she is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal

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miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

09.02.2017

parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No