

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

CRM-M-12770-2018

Date of decision:-5.9.2018

Priya @ Pooja

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Ms.Swati Verma, Advocate
for the petitioner.

Ms.Samina Dhir, DAG, Punjab.

Mr.Vipin Kumar, Advocate
for the complainant.

H.S. MADAAN, J.

This petition for regular bail has been filed by Priya @ Pooja
– an accused in FIR No.320 dated 17.12.2017, under Sections 365, 302,
201, 34 IPC, registered with Police Station Sahnewal, District Ludhiana.

Briefly stated, the facts of the case as per the prosecution
story are that Rani aged about 11 years left home but did not come back.

Her family members searched for her but in vain. Her father Jitan Ram

accordingly informed the police of Police Station Sahnewal, District Ludhiana on 17.12.2017. Formal FIR was registered. Jitan Ram suffered a supplementary statement on 25.12.2017 stating that he could not get his earlier statement recorded properly and rather his daughter Rani had been kidnapped by their neighbours namely Priya (present petitioner) and her husband Ranjit Kumar in connivance with each other and that Rani had been kidnapped and murdered by Priya and Ranjit Kumar. Both the accused named in the supplementary statement were arrested in this case. Priya @ Pooja was arrested on 25.12.2017 and now the matter is pending trial. The petitioner had filed an application for regular bail in the Court of Sessions, which was declined by Additional Sessions Judge, Ludhiana vide order dated 14.3.2018, as such, she has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has argued that in the initial statement made to the police, the complainant had not named the petitioner and as a matter of fact, she is innocent and has not committed any offence; that the petitioner has given birth to a female child in August, 2017; that at the time of alleged incident her minor child was aged about 4 months only and the petitioner/accused was not in a position to commit any crime. So, she be granted regular bail as she has to look after two kids

one aged three years and other six months.

Whereas, learned State counsel and learned counsel for the complainant have opposed the request vehemently submitting that petitioner has committed a heinous crime of kidnapping and murdering an innocent minor girl and then in order to save them from punishment, she along with her husband tried to burn the dead body by putting it in a pit and thereafter setting it ablaze and further if she is released on bail, there are every chances of her absconding and trying to tamper with the prosecution evidence.

After hearing the rival contentions, I find that keeping in view the gravity and seriousness of allegations, no ground is made out for grant of regular bail to the petitioner. In the supplementary statement got recorded by the complainant with the police, the petitioner is specifically named therein. During the course of investigation, the investigating agency had collected evidence that petitioner along with her husband and co-accused Ranjit Kumar were last seen in the company of the deceased girl, which is a very strong incriminating circumstance against them and further evidence had been collected that they were seen with the dead body of the deceased. The petitioner and her co-accused are also said to have made extra judicial confession before Narinder Kumar confessing their guilt. The trial is going on. The guilt of the petitioner shall be determined during the trial. The material witnesses are yet to be examined. The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood of her absconding and even tampering with the prosecution evidence cannot be brushed aside

lightly.

Therefore, finding no merit in the petition, the same stands dismissed.

5.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No