

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21370-2018

Date of decision: 23.05.2018

Usha

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.108 dated 21.02.2018 under Sections 342, 370 IPC, registered at Police Station City Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner submits that the petitioner is a household lady aged about 45 years and has two daughters of marriageable age and a son and is residing in a rented accommodation. It is further submitted that husband of the petitioner is a heart patient and recently, he has undergone heart surgery and a civil litigation is pending between landlady Deepa Bansal and husband of the petitioner with regard to tenanted premises.

Learned counsel for the petitioner further submits that as per allegations in the FIR, two girls namely Seema and Mumtaz were found locked inside house of the petitioner, where the entire family of the petitioner is

residing and they were rescued by the police. It is further submitted that the police recorded statement of both the girls namely Seema and Mumtaz. Seema in her statement has stated that she is a married woman, having two children and is resident of a village in Jharkhand and some days back, someone brought her from Jharkhand to Delhi and one boy left her at the house of one fat aunty namely Usha and she has kept her in confinement. Similar statement was made by another girl Mumtaz, resident of a village in Assam, where she has stated that she is 8th class pass and one boy has forcibly taken her from Assam to Bahadurgarh, after closing her eyes with cloth and left her with the petitioner and she was also confined with Seema.

Learned counsel for the petitioner has further argued that in fact the police allegedly recorded the disclosure statement of the petitioner on 06.03.2018, where she has stated that two girls were found at her residence and later on, in another disclosure statement recorded on 07.03.2018, it was stated that Kalu and Bholu used to sell the girls to the petitioner and she did not know whereabouts of these two boys, as they belong to Delhi. Counsel for the petitioner has thus submitted that in order to increase the gravity of the offence punishable under Section 370 IPC, the second disclosure statement of the petitioner was recorded during her police remand. It is further submitted that the petitioner has no criminal background and there is no allegation against the petitioner that she is involved in any illegality activity.

Learned counsel for the petitioner has heavily relied upon the litigation pending between husband of the petitioner and aforesaid landlady, to submit that at her instance, the petitioner has been falsely implicated and it is not possible for both the aforesaid girls to travel from Jharkhand and Assam,

and they did not raise any voice or informed any person as it took some time in travelling. Learned counsel has further submitted that the investigation in the case is complete, challan has already been presented and the petitioner is no more required for any custodial interrogation.

Learned State counsel, on instructions from SI Vijay Kumar, has not disputed the factual position and as per the custody certificate filed in the Court today, the petitioner is not involved in any other case.

Without commenting on merits of the case, considering the fact that the petitioner is a married woman and was residing in the same house along with her two daughters of marriageable age, one son and husband; she is living in a rented accommodation and husband of the petitioner is facing a civil litigation with the landlady; petitioner is not involved in any other case; she is not having any criminal background; she has undergone 02 months and 17 days of judicial custody; investigation is complete, challan has already been presented and the petitioner is no more required for further investigation, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing her bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

23.05.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No