

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3253-2018
Date of decision : 30.01.2018

Kuldeep Kaur @ Goga @ Pooja

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vivek Salathia, Advocate
for the petitioner(s).

Mr. K.S. Aulakh, DAG, Punjab.

ANITA CHAUDHRY, J.

The petitioner is seeking regular bail in FIR No.338 dated 06.12.2016, registered under Sections 365 & 34 IPC and Sections 451 and 368 IPC (added later on) at Police Station Sultanwind, Police Commissionerate, Amritsar.

I have heard both the sides.

The petitioner is in custody since 23.12.2016. The challan has been presented.

The submission on behalf of the petitioner is that the complainant had handed over the custody of the youngest child as they were unable to bear the expenses and the child was with them for over a month and the allegations are that the petitioner had abducted the child. Counsel further states that they are not staking any claim over the child and has instructions to say that they will not seek the custody of the child and since they were occupying a rented accommodation next to the house of the

complainant, they would move out from that accommodation. The counsel submits that only 03 witnesses have been examined.

The State counsel informs that rest of the persons named in the FIR could not be arrested and only 03 witnesses have been examined out of 10 witnesses and the complainant is yet to be examined.

The petitioner is in custody for over a year. The trial is going at a slow pace probably because some of the accused could not be traced. The petitioner is the neighbour. She is accused of snatching the child. The child was recovered in another village.

The trial would take time. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Illaq Magistrate subject to the petitioner giving an undertaking that she will not contact the complainant or her relatives or tamper with evidence. She would move out of the rented accommodation and move to another locality. The trial Court would summon the petitioner to the Court to give the undertaking.

January 30, 2018

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**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No