

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.222

CRM-M-43163-2018

Date of decision : 16.10.2018

Veerpal Kaur

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

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

Mr. K.S. Sidhu, DAG, Punjab

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.183 dated 08.07.2018, registered at Police Station Phillaur, District Jalandhar, under Section 363-A IPC (Sections 370 and 120-B IPC added later on).

Learned counsel for the petitioner submits that the petitioner has been in custody since 17.07.2018. The investigation is complete, but examination of prosecution witnesses has not yet started and thus, the trial is not likely to be concluded at an early date. The petitioner did not kidnap any child. She alongwith her parents went to purchase a male baby because a daughter born to her some time back had passed away. The petitioner was not aware that the male child had been kidnapped from elsewhere and thus, the petitioner may be granted concession of regular bail.

Custody certificate dated 03.10.2018, by way of an affidavit of Sh. Navinder Singh, PPS, Deputy Superintendent, Central Jail, Kapurthala, has been filed by the learned State counsel in Court today and the same is taken on record. According to this certificate, the petitioner has undergone actual custody of two months and fourteen days as on 03.10.2018. Thus, as on date, the petitioner has undergone actual custody of almost three months.

Learned State counsel submits that the petitioner has committed an illegal act and does not deserve the concession of regular bail. He, however, does not dispute that the examination of prosecution witnesses has not started and even, charge has not been framed till date.

Keeping in view the fact that the trial is not likely to be concluded at an early date and that the petitioner has been in custody for three months now, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and petitioner-Veerpal Kaur, is ordered to be released on bail on her furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(SUDHIR MITTAL)
JUDGE

16.10.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No