

Sr. No.206

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

CRM-M-24039-2019(O&M)

Date of decision:29.05.2019

Poonam

..... Petitioner

versus

State of Haryana

..... Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. S.S.Momi, Advocate
for the petitioner.

Mr. M.D.Sharma, AAG, Haryana.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.01, dated 02.01.2018 for the offences punishable under Sections 315, 317 of IPC, registered at Police Station Sadar Kaithal, District Kaithal.

Learned counsel for the petitioner contends that case against the petitioner is totally concocted. The petitioner being the mother has no reason or occasion to throw her newly born baby on the road. In fact, the medical record shows that the petitioner was not even in her full senses at the relevant time when she was taken to the hospital, where the medical procedure was carried out upon her to remove the placenta. Still further, it is contended by learned counsel for the petitioner that the petitioner is in custody since 16.03.2019. The Challan has already been filed and the petitioner is not required for any investigation purpose.

On the other hand, learned State counsel being instructed by ASI Satpal, submits that the allegation against the petitioner is supported by the witness who had accompanied her to the hospital. However, it is not

denied that even as per the statement of the said witness it is not explained as to how the child reached on road and at the spot, where he was found lying by the complainant.

Otherwise also, challan has already been filed and petitioner is no more required for investigation purposes.

In view of the above, but without commenting upon the merits of the case, the petition is allowed. Petitioner is granted the concession of bail pending trial. She be released on bail pending trial subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

29th May, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*