

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38984-2019 (O&M)
Date of Decision:-22.10.2019

Shakila @ Sakila and another ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ravinder Malik (Ravi), Advocate for the petitioners.
Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners have approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.28 dated 5.3.2019 at Police Station Ismailabad, District Kurukshetra under Sections 45, 312, 318 and 120-B of Indian Penal Code and Sections 18(a) and 18(b) of Drugs and Cosmetic Control Act and Sections 3, 4 and 5 of Medical Termination of Pregnancy Act, 1971.
2. The FIR was lodged at the instance of Mukesh Kumar wherein it has been alleged that on 4.3.2019 when he was going home from his shop, then he noticed three women with muffled faces standing near a drain and who were searching for something in the drain with the help of a light. It is alleged that upon noticing the complainant, they switched off the light and in the morning

the complainant came to know that a foetus was recovered from the place where those women had been found standing. It is further the case of prosecution that during investigation the name of said three women came to be known as Jamila wife of Lakhbir Khan, Shakila wife of Raj Kumar and Najni Begum wife of Ramjan Khan. It is further the case of the prosecution that Raj Kumar husband of Shakila had purchased medicines and MTP kit from one Surender Singh @ Kala who is running a retail chemist shop so as to facilitate illegal termination of Jamila's pregnancy.

3. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that there is no direct evidence against the petitioners and that challan has already been presented.
4. Opposing the petition, the learned State counsel has submitted that since the petitioners are specifically named in FIR, there is no case for grant of bail.
5. I have considered rival submissions addressed before this Court.
6. I have considered rival submissions addressed before this Court. The petitioners have been behind bars since 6.3.2019. The investigation is complete and challan has already been presented. In these circumstances further detention of the petitioners will not serve any useful purpose since conclusion of trial, in its normal course, is likely to take some time. The petition, as such, is accepted and it is ordered that the petitioners be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

22.10.2019

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge