

**In the High Court of Punjab and Haryana, at Chandigarh**

**Criminal Misc. No. M-288 of 2020**

**Date of Decision: 24.07.2020**

Aarti Devi

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Chandan Singh Rana, Advocate  
for the petitioner(s).

Mr. Dhruv Dyal, Deputy Advocate  
General, Punjab for the respondent.

**Anil Kshetarpal, J.**

The petitioner prays for grant of regular bail pending trial in criminal case arising from FIR No. 248 dated 15.10.2019, registered under Sections 317, 318 & 304 IPC at Police Station Division No. 6, District Ludhiana.

In brief, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Ludhiana in para 6 of his order dated 27.11.2019, which is extracted as under:-

*“6. In the present case, FIR was got registered against the applicant/accused at the instance and on the statement of Amarjit Singh son of Mahabir Singh. It is in accusations that the complainant is running a karyana shop in the name and style of Lucky Karyana Store. He is rented out his house bearing no.14971, street no.11 situated at Prabhat Nagar,*

*Dholewal, Ludhiana to the migrants. In the intervening night of 14/15-10-2019 at about 12:30 A.M, after finishing the account work of his shop, he was going towards his residential house and when he reached in front of his house situated at Prabhat Nagar, Dholewal, Ludhiana, he heard the cries of a child. He called his tenant from the said house and asked him with regard to crying of the child but the tenant did not know about it. The complainant alongwith tenant went in search of the crying child and when they reached near the gutter, they heard the cries of the child. They removed the cover of the gutter and saw that one newly born male child had been thrown by someone inside the gutter. The complainant inquired the matter of his own from the mohalla people but all in vain. Thereafter, he took the child to Civil Hospital, Ludhiana for treatment. Thus, the present FIR”.*

Learned counsel for the petitioner contends that the petitioner is in custody since 29.10.2019. The police, after the completion of investigation, has submitted report under Section 173 Cr.P.C. before the Court, however, neither charges have been framed nor any evidence has been recorded in the case. He submits that the conclusion of trial is likely to take time.

On the other hand, learned State counsel, on the statement of ASI Sethi Kumar, has submitted that report from the Forensic Science Laboratory is still awaited.

Keeping in view the facts of the case and without commenting on merits thereof, this Court is of the considered opinion that further incarceration of the petitioner, at this stage, would not be justified. The petitioner is in custody for approximately nine months; the conclusion of the trial is likely to take time and she is not stated to be involved in any other criminal case.

Hence, the present petition is allowed and the petitioner be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate.

**(Anil Kshetarpal)**  
**Judge**

**July 24, 2020**  
“DK”

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No