

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

**CRM-M-26311-2020 (O&M)
Date of Decision: September 15, 2020**

SUMANPREET KAUR

..... Petitioner(s)

Versus

STATE OF PUNJAB

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, D.A.G., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner prays for grant of bail pending trial in FIR No.19, dated 06.03.2020 under Sections 364 IPC (Section 120-B IPC added subsequently), registered at Police Station Sadar Kotkapura, District Faridkot.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case merely on the basis of disclosure statement of a co-accused. As per the averments in the FIR, there is no allegation qua the present petitioner, who has not been named in the FIR.

The above said FIR was registered on the statement of complainant Manpreet Kaur, with the allegation that her minor son was abducted by co-accused Mani Kaur and Preet Kaur from the complainant's residence. It is argued that there is no allegation against the present petitioner and it is only a disclosure statement of the co-accused to the effect that minor would be sold to the present petitioner that she is sought to be inculpated. It is argued that there is no evidence on record to connect the petitioner with the offence in question, apart from the said disclosure statement, the evidentiary value of which is debatable. It is further submitted that a similarly situated co-accused Sukhjeet Singh @ Sukha i.e. husband of the petitioner, has been afforded the concession of bail pending trial by this Court vide order dated 10.08.2020 in CRM-M-16853-2020 (Annexure P-2). It is, thus, prayed that this petition be allowed.

Learned counsel for the State is unable to deny that the petitioner is similarly situated as the co-accused Sukhjeet Singh @ Sukha and is sought to be implicated in this case on the basis of disclosure statement of the co-accused, from whom the minor was recovered. Learned counsel for the State is further unable to point out any palpable evidence on record, at this stage, to connect the petitioner with the offence in question, apart from the said disclosure statement of the co-accused. Final report under Section 173 Cr.P.C./challan in this case stands presented. No recovery has to be effected from the petitioner. There is no allegation that the petitioner is likely to abscond or influence witnesses. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

15.09.2020
Sunil

(LISA GILL)
JUDGE

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