

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

CRM-M-49775-2019
Date of decision: 10.02.2020

Usha Thakur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sartaj Singh Gill, Advocate for
Mr. G. S. Verma, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 263 dated 04.10.2019, under Sections 370 and 120-B of the IPC, registered at Police Station Civil Lines, District Patiala.

The operative part of the order dated 12.12.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“The counsel for the petitioner relies upon order dated 20.11.2019 passed in CRM-M-48477-2019 vide which the following order was passed while granting bail to co-accused Seema :-

“Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant Rakesh Kumar, it is stated that he is working as a labourer and he along with his family had gone to take medicine to Rajindra Hospital, Patiala. It is further stated in the FIR that father of the complainant, namely Sakai Ram, used to say that he will sell the son of the complainant,

namely Prince, for money in order to resolve their financial crisis. On 02.10.2019, Sakai Ram and Krishan, parents of the complainant, took Prince to Rajindra Hospital, Patiala for taking some medicine and later on, Sakai Ram informed complainant that a lady has taken away his son Prince by playing fraud and the complainant had a suspicion that his father has sold his son to that lady in the premises of the said hospital.

Learned counsel for the petitioner further submits that during investigation, the police arrested the parents of the complainant and they informed that the child was handed over to one Saroj Bala in the presence of one Mamta and thereafter, said Saroj Bala was arrested and she disclosed the name of Mamta. On further arrest of Mamta, her disclosure statement was recorded, in which she stated that she had acquaintance with one Kamlesh Rani, who informed her that she knew a party who is interested for purchasing a child for Rs. 2 Lakh. Thereafter, upon arrest of Kamlesh Rani, she informed that she had discussed the matter with her friend Usha Thakur and Usha Thakur had sought time to discuss the same with her friend Seema, the present petitioner.

Learned counsel for the petitioner further submits that the petitioner has been involved in the present FIR on the basis of a chain of disclosure statements, in which the accused persons were putting the allegations on others and the petitioner was arrested on the basis of the aforesaid multiple disclosures, recorded by the police.

Learned counsel for the petitioner further submits that petitioner is not involved in any other case

and she is in judicial custody since 10.10.2019. It is further submitted that so far the petitioner is concerned, the investigation is complete and she is no more required for any further custodial investigation.”

Counsel for the petitioner has further argued that one more accused was granted regular bail. Counsel for the petitioner submits that as per the allegations in the FIR the name of the petitioner has surfaced on a sequence of disclosure statements made by the other accused who have been arrested during the investigation including Seema who has been granted the concession of regular bail.

List again on 10.02.2020.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 12.12.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Baljinder Singh, has not disputed the factual position and submits that the petitioner has joined the investigation, however, some money is yet to be recovered.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 12.12.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

10.02.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No