

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

Criminal Misc. -M No.22691 of 2021

Date of Decision: August 05 , 2021.

Dilpreet Kaur @ Manni Kaur

..... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. Amit Mehta, Sr.DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

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

Petitioner seeks bail pending trial in FIR No.19 dated 06.03.2020 under Sections 364/120B IPC, registered at Police Station Sadar Kotkapura, District Faridkot.

Petitioner's first bail application was dismissed as withdrawn on 08.10.2020. The second application was withdrawn on 28.05.2021 with liberty

to file afresh with correct and better particulars. Accordingly, present petition has been filed.

As per allegations in the FIR, the present petitioner who was known to the complainant, had stayed the night on 05.03.2020 at the complainant's house alongwith co-accused, Preet Kaur. The complainant alongwith her younger son, the present petitioner and co-accused, slept in the same room. Complainant's parents-in-law and elder son were sleeping in the adjoining room. At about 3.30 a.m., complainant found her younger son to be missing. Present petitioner alongwith co-accused were also not found present. Complainant's son was recovered from the custody of the present petitioner on 06.03.2020.

Learned counsel for the petitioner submits that petitioner, who has been in custody since 06.03.2020, has been falsely implicated in this matter. It is further submitted that the offence punishable under Section 364 IPC is not made out against the petitioner in any manner. There is not even a whisper that complainant's son was kidnapped or abducted in order to be murdered or disposed of as to be put in danger of being murdered. It is further submitted that the petitioner has three minor children, who require proper nurturing by a mother. The petitioner, it is stated, has been in custody for more than one year and she is not involved in any any other criminal case. The complainant, it is submitted, has since been examined on 19.07.2021. The petitioner undertakes to face trial and not misuse the concession of bail, if afforded to her. It is thus prayed that this petition be allowed.

Learned counsel for the State has opposed the petition.

Heard.

Learned counsel for the State while opposing the petition is, however, unable to deny that the complainant has since been examined on 19.07.2021. A copy of the statement of the complainant, PW1 Manpreet Kaur has been circulated in the WhatsApp group created for the purpose of Video Conferencing. Printout of the same be taken and attached with the file. Learned counsel for the State is further unable to deny that at this stage there are no allegations of any intent of murder of the victim or attribution of any such knowledge to the petitioner of the likelihood of such eventuality.

Learned counsel for the State, on instructions from ASI Kuldip Singh, verifies that the present petitioner, who has been in custody since 06.03.2020, is not involved in any other criminal case. There are no allegations on behalf of the State that the petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

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 in the present facts and circumstances of this case.

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 her furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of her bail.

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.

August 05 , 2021.
'om'

(LISA GILL)
JUDGE

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