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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.31873 of 2021 (O&M)
Decided on: 11.11.2021

Parminder Kaur @ Sonia

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Kamal Kumar Yogi, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0149 dated 25.06.2018, for offence punishable under Sections 364/34 of the Indian Penal Code (in short 'IPC') registered at Police Station Dehlon, District Police Commissionerate, Ludhiana.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of Manik Chaudhary, wherein it is stated that he is a labourer and his son namely Shivam is aged about 2½ years. The co-accused Chandan Tewari @ Pinju is known to him and he was residing in Ludhiana and on 18.06.2018, he along with a girl had come to his house and when the complainant went to bring tea, both of them kidnapped his son with intention to sacrifice him. Later on, the complainant kept on searching for the boy

and ultimately lodged a complaint with the police after 07 days on 25.06.2018.

Counsel for the petitioner has further submitted that the petitioner – Parminder Kaur @ Sonia as well as the co-accused Chandan Tewari, were arrested on the same day and later on, the child was recovered on 27.06.2018 by recording the disclosure statement of both the accused. It is also submitted that even as per the allegations in the FIR, it is the co-accused Chandan Tewari, who was known to the complainant Manik Chaudhary and when he visited his house, he was accompanied with a lady (petitioner herein), who was not known to the family of the complainant.

Counsel for the petitioner has also argued that the petitioner is a first offender and is in custody for the last 03 years and 04 months and 13 days and she is not involved in any other case and out of 09 prosecution witnesses, only 02 PWs have been examined so far, including the complainant and there is no possibility for the petitioner to tamper with the prosecution evidence or influence the prosecution witnesses. It is further submitted that the father of the petitioner has handed over a DDR to the police as the petitioner, who is mentally upset and was undergoing the treatment and she used to leave her house with anyone and in this regard, her father has registered a DDR and therefore, it cannot be said that the petitioner was having meeting of mind with the co-accused Chandan Tewari, who has allegedly kidnapped the minor son of the complainant.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is further submitted that the

After hearing the counsel for the parties, without commenting anything on merits of the case, considering the fact that the petitioner is lady and she is in custody for the last 03 years and 04 months and 13 days and the primary allegations are against the co-accused Chandan Tewari, who was known to the complainant and he has taken the petitioner to the house of the complainant where the child was allegedly kidnapped; the petitioner is not involved in any other case; out of 09 prosecution witnesses, only 02 PWs have been examined so far and the conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

(ARVIND SINGH SANGWAN)
JUDGE

yakub

Yes/No

Yes/No