

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-38014 of 2020

Kiran

...Petitioner

Versus

State of Punjab

...Respondent

And

2. CRM-M-39642 of 2020

Rekha Khanna

...Petitioner

Versus

State of Punjab

...Respondent

Date of Decision: 12.10.2021

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. Sahil Thakur, Advocate for the petitioner
in CRM-M-38014 of 2020 (O&M).
Mr. Sandeep Arora, Advocate for the petitioner in
CRM-M-39642 of 2020 (O&M).
Mr. Harpreet Singh, AAG, Punjab.

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HARINDER SINGH SIDHU, J.

This common order shall dispose of the two petitions aforesaid.

Prayer is for grant of regular bail in case FIR No.104 dated
20.08.2020 under Sections 363, 370(4), 120-B IPC registered at P.S
Division No.4, Jalandhar.

FIR was lodged on the complaint of Roshan Kumar, who stated
that on 20.8.2020, he along with his brother Deepak had taken Khushboo
Devi, his brother Deepak Singh's wife, to the Civil Hospital, Jalandhar as
she was expected to deliver a child. At about 12.50 p.m, Khushboo Devi
delivered a male child. After delivery of the child, the Doctor incharge at

the Hospital told them to arrange blood for the child. The complainant and others started making arrangement for the blood. They were told to get the child examined at the Children ward. Complainant along with his Aunt Jaimanti. Devi took the child to Children ward. The nurse present there informed them that the child had to be kept in a machine. The Nurse took the child from the complainant and kept it in a machine. Thereafter, the complainant along with his aunt went to get the file prepared. When they reached back they found that the child was not there. The doctors and nurses informed them that there was no child. Alleging that the child had gone missing due to the negligence of the doctors and nurses, the FIR was lodged.

A status report by way of affidavit dated 2.2.2021 of Harsimrat Singh (PPS), Assistant Commissioner of Police, Central Jalandhar has been filed. It has been stated that during investigation the CCTV cameras were checked. Two boys were seen taking the child through the back gate of the Hospital. They were seen sitting in a Bolero vehicle whose registration number was also visible. Based on that on midnight 21/22 August, 2020, accused Gurpreet Singh @ Gopi @ Panch was apprehended. He disclosed that he along with Gurpreet Singh @ Peeta had brought one new born baby from Civil Hospital Jalandhar in a white Bolero Vehicle. The baby had been handed over to them by Sweeper Kiran (petitioner in CrM-M-38014-2020) who had been on duty in Children Ward, Civil Hospital, Jalandhar. Gurpreet Singh @ Peeta, Ranjit Singh Rana and Davinderjit Kaur @ Aman were arrested on 22.08.2020 from the house of accused Gurpreet Singh @ Peeta. During investigation Davinderjit Kaur suffered disclosure statement that on the midnight of 21/22.08.2020, a new born baby was handed over to

her by Gurpreet Singh @ Peeta and Gurpreet Singh @ Gopi. The baby had been kept by her at her residence/room in the compound of Balmiki Mandir, Village Khrushaidpur Colony, P.S Sadar Nakodar, District Jalandhar. Davinderjit Kaur got the new born child recovered from that place. Davinderjit Kaur made another disclosure statement on 22.08.2020 that Rekha Khanna (petitioner in CrM- M-. 39642-2020) had asked her to make arrangement for a new born baby and promised to pay Rs.4,00,000 (Rupees Four lacs only) for this. Davinderjit Kaur asked Kiran who was working as Sweeper at the Children Ward at Civil Hospital, Jalandhar to make arrangement for a new born baby for which she would be paid Rs.80,000/-. Kiran (petitioner) informed Davinderjit Kaur on 20.08.2020 that a baby boy was born at Civil Hospital, Jalandhar and she would kidnap him. Then, Davinderjit Kaur along with her husband Ranjit Singh @ Rana sent Gurpreet Singh @ Gopi @ Panch and Gurpreet Singh @ Peeta to get the child with the promise to pay them Rs.50,000/- The latter went in a Bolero vehicle. The new born baby was handed over to them by Kiran (petitioner). After getting the new born baby, Davinderjit Kaur called Rekha Khanna and told her that new born baby has been arranged. She told them to wait and that she would sell the child immediately. Thereafter, Rekha Khanna (petitioner) was nominated as accused in present FIR. She was arrested on 23.08.2020 and offences under Sections 370(4)/120-B IPC were added in present FIR vide DDR No.21 dated 24.08.2020.

Kiran (petitioner) was arrested on 22.08.2020. She disclosed that she had kidnapped the new born baby from the Children Ward on the asking of Davinderjit Kaur and handed over the same to Gurpreet Singh @ Peeta and Gurpreet Singh @ Gopi. She was promised to be paid Rs.80,000/-

by Davinderjit Kaur for this.

In the status report it is further stated that during investigation, call details of the mobile numbers of Kiran, Gurpreet Singh @ Peeta and Ranjit Singh @ Rana and his wife Davinderjit Kaur @ Aman were obtained which clearly establish the inter- se link between them.

Investigation in the case is complete and challan has been filed on 20.10.2020.

Allegations against the petitioners are undoubtedly very serious. A new born baby was kidnapped from the Hospital. However due to prompt action by the police on the FIR, the child was recovered the very next day. The petitioners are ladies. They have been in custody for over one year. The investigation in the case is complete. It is not the case of the prosecution that the petitioners are habitual offenders or that they are likely to flee from justice or there is any apprehension of their tampering with witnesses or posing a threat to the complainant.

Without commenting anything on the merits of the case and also bearing in mind the fact that the trial is not likely to be concluded in near future, in my opinion, no useful purpose will be served by detaining the petitioners behind bars any further. Both the petitions, as such, are accepted. The petitioners Kiran and Rekha Khanna are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly.

October 12, 2021
manoj

(Harinder Singh Sidhu)
Judge