

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

CRM-M-3467-2022 (O&M)

Date of decision: 09.08.2022

Kamlesh Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Mohit Sadana, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-15016-2022

Prayer in the application is for addition of Section 370(4) IPC and deletion of Section 370(5) IPC in the head note and prayer clause of the main petition.

Learned counsel for the applicant-petitioner submits that the challan has been presented after addition of Section 370(4) IPC and deletion of Section 370(5) IPC.

Notice of the application.

On the asking of this Court, learned State counsel accepts notice and submits that he has no objection, if the application is allowed.

In view of the above, the application is allowed. Registry is directed to do the needful.

CRM-15018-2022

Application is allowed as prayed for. Annexures P-4 to P-7 are taken on record.

CRM-22766-2022

Application is allowed as prayed for. Annexures P-8 and P-9 are taken on record.

Main case:

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 286 dated 20.11.2021 registered under Sections 370(4), 120-B, 201 IPC and Section 81 of the Juvenile Justice Care and Protection Children Act, 2015, at Police Station Lehra, District Sangrur.

Learned counsel for the petitioner submits that the FIR was registered on the secret information; that the petitioner has falsely been implicated in the present case as no such alleged offence had been committed by her; that as alleged, the petitioner and co-accused are involved in selling of newly born children; that alleged co-accused Charanjit Kaur is the real mother of newly born male child, who is suffering from cleft lip disorder, and she herself had handed over the child to the petitioner for his medical treatment; that there was no occasion for the mother to sell his own child to some stranger; that as per the report also, there was no buyer of the child and that the petitioner has been in custody since 20.11.2021.

Learned State counsel, while vehemently opposing the prayer for bail, submits that there was an oral agreement between co-accused Charanjit Kaur and the petitioner to the effect that after birth, the child was to be given to the petitioner. The child was recovered from the petitioner and handed over to Child Welfare Committee, Sangrur. However, he does not dispute the custody period of the petitioner. He submits that the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner, who is a lady, has been in custody since 20.11.2021. As per the status report, there is no averment regarding any buyer of the child and the child was thus, handed over to Child Welfare Committee. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

09.08.2022

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No