

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

CRM-M-14319-2022 (O&M)

Date of decision: 09.08.2022

Charnjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ramandeep Singh, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-27813-2022

Application is allowed as prayed for.

CRM-27814-2022

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.

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 petitioner has falsely been implicated in the present case; that the FIR was registered on a secret information against Kamlesh Kaur; that the petitioner is the mother of newly born male child, who is suffering from cleft lip disorder; that the petitioner has handed over her child to co-accused Kamlesh Kaur for his check-up; that there was no occasion for the mother to sell her own child to some stranger and as per the report also, there was no buyer of the child; that the child is now 8/9 months old and at present is with the Child Welfare Committee Sangrur and that the petitioner has been in custody since 20.01.2022.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the husband of the petitioner had died 10 years ago and the petitioner gave birth to a male child and the same was handed over to co-accused Kamlesh Kaur for the purpose of selling. The child was recovered from co-accused Kamlesh Kaur 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 has been in custody since 20.01.2022. The

petitioner is a lady and has to look after her infant child. As per the disclosure statement of the petitioner, she had sex with many strangers, so the biological father of the child cannot be traced out but she is the biological mother. In the present case, as per the status report, buyer of the child could not be pointed out, thus, the child was handed over by the petitioner to Kamlesh Kaur for his check up. 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?
Whether reportable?

Yes/No
Yes/No