

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-30474 of 2021
Date of decision:07.04.2022

Malkit Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C seeking grant of regular bail to the petitioner in case FIR No.229 dated 26.09.2019 registered under Sections 302, 201, 34 of Indian Penal Code, 1860 at Police Station Civil Lines, Bathinda (Annexure P-1).

FIR (Annexure P-1) has been registered on the statement of Dr.Amandeep Singh Sidhu on the allegation that the petitioner took away two prematurely female twins born to her daughter on the pretext of getting them a better treatment but in conspiracy with other relatives, she threw the babies in a canal.

Counsel for the petitioner contends that the petitioner is a 72 years old lady, who is suffering from medical ailments. He has made a reference to the orders passed by this Court on 27.07.2020 (Annexure P-2)

and 01.10.2020 (Annexure P-3) to submit that the petitioner has undergone knee replacement. He urges that there is no material to show that the petitioner had taken infants from the hospital and the statements of the two witnesses produced by the prosecution are contradictory. He submits that keeping in view the health condition and period of incarceration of the petitioner, she deserves to be released on bail.

Per contra, State counsel, upon instructions from HC Gurpreet Singh, while opposing the petition has submitted that nature of allegations levelled and the gravity of the offence allegedly committed by the petitioner, does not warrant her release on bail. He has filed the custody certificate dated 06.04.2022, which is taken on record. As per his instructions, 02 out of 17 prosecution witnesses have been examined and on an application has been filed by the prosecution under Section 319 Cr.P.C, which has been allowed on 31.03.2022, two additional accused, namely, Baljinder Singh and Beant Kaur, have been summoned.

Having considered the submissions made by counsel for the parties, this Court is of the view that complicity of the petitioner in the crime would remain debatable. The petitioner, who is a lady of an advanced age and has medical issues, would be entitled to be released on bail as the trial is likely to take time to conclude.

Without delving into the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

April 07, 2022

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>