

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

CRM-M-41553-2021 (O&M)

Date of decision: 13.12.2022

Kulwinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Jatinder Pal Singh, Advocate
for the petitioner.

Mr. Shubham Kaushik, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the third petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 263 dated 24.12.2018, registered under Sections 363, 364, 364-A, 365, 370 and 120-B of the IPC at Police Station City Moga, District Moga.

Vide order dated 20.12.2021, the petitioner was granted the concession of interim bail on medical grounds, which is still continuing.

Brief facts of the case are that the FIR was registered on the statement of one Hussain Mohammad that his son Farman Mohammad, while playing outside the house, was kidnapped by a male and a female person, who came in a white color car. Later on, the child was recovered and it was found that the child was handed over to Kashmir Kaur on a

payment of Rs. 1,50,000/- by petitioner Kulwinder Kaur and main accused Sunny.

Learned counsel for the petitioner submits that the petitioner is a first offender; she is aged about 42 years; is not maintaining good health and has been advised surgery for *Hypochondrium*.

Learned counsel for the petitioner further submits that in the statement of PW-1/complainant Hussain Mohammad, it has come that some unidentified persons have kidnapped his child, however, in the statement of PW-5-Kashmir Kaur, it has come that on 25.12.2018, Sunny and petitioner Kulwinder Kaur had come to her house and offered that a male child is available for adoption and in lieu thereof, she handed over Rs. 1,50,000/- to Kulwinder Kaur, who further handed over the same to main accused Sunny.

It is further submitted that since material witnesses have already been examined, there is no possibility for the petitioner to tamper with the prosecution evidence. It is further submitted that co-accused Harpreet Kaur @ Preeti has already been granted the concession of regular bail by a co-ordinate Bench, vide order 15.09.2022 passed in CRM-M-6204-2020.

Learned State counsel has filed the custody certificate, which is taken on record. As per custody certificate, the petitioner has been in judicial custody for a period of 02 years, 03 months and 27 days and she is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances, the present petition is allowed and the

order dated 20.12.2021, granting concession of interim bail to the petitioner,
is confirmed.

13.12.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No