

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

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**CRM-M-45988-2022
Date of decision: 14.10.2022**

DAVINDERJIT KAUR @ AMAN

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Iqbal Singh Mann, DAG Punjab.

VIKAS BAHL. J. (ORAL)

This is a first bail application under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.104 dated 20.08.2020 registered under Sections 363 IPC [370(4) and 120B IPC (added lateron)] at Police Station Division no.4, District Police Commissionerate, Jalandhar.

It is the case of the prosecution that Kiran, who was working as a sweeper in the hospital and was on duty on 20.08.2020 in the children's ward, had kidnapped a new born child and had handed him over to two persons i.e. Gupreet Singh @ Gopi and Gurpreet Singh @ Pita, who had further handed over the child to the present petitioner and Ranjit Singh @ Rana. Further, the child has been recovered from the rented accommodation at Mandir Balmiki, Village Khurshaidpur Colony on the basis of confessional statement of the present petitioner. It has come out in the investigation that one Rekha Khanna resident of Ludhiana had asked the petitioner to arrange for a new born baby for which she promised to pay Rs.4 lacs to the present petitioner and accordingly, the present petitioner had talked to the said Kiran who was working as a sweeper in the

Children's ward at Civil Hospital, Jalandhar, to make arrangements of a new baby and offered her Rs.80,000/- for the said act.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 21.08.2020 (two years, 01 month and 23 days) and there are 24 witnesses out of which, only two witnesses have been examined thus trial is likely to take time. It is further submitted that the petitioner is not involved in any other case and the child has already been recovered. It is submitted that Kiran and Rekha Khanna, who are the persons who had kidnapped the child and on whose asking the child was kidnapped respectively, have been granted the concession of regular bail by a co-ordinate Bench of this court on 12.10.2021 in **CRM-M-38014-2020** titled as ***“Kiran vs. State of Punjab”*** and **CRM-M-39642-2020** titled as ***“Rekha Khanna vs. State of Punjab”***.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that the child has been recovered on the basis of disclosure statement of the petitioner and the petitioner on the asking of Rekha Khanna had instructed Kiran to abduct the child from the Children's ward in Civil Hospital Jalandhar and thus, does not deserve the concession of bail.

This Court has heard learned counsel for the parties and has perused the material on record.

The petitioner is in custody since 21.08.2020 (02 years, 01 month and 23 days) there are 24 witnesses out of which, only 02 witnesses have been examined, thus the trial is likely to take time. The petitioner is stated to be not involved in any other case. The petitioner is not named in the FIR and the child has already been recovered. Co-ordinate Bench of this Court has granted the concession of regular bail to co-accused Kiran and Rekha Khanna vide judgment dated 12.10.2021 passed in CRM-M-38014-2020 and CRM-M-39642-2020,

respectively.

Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to her not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

October 14, 2022
S.Sharma(syr)

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No