

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

201

**CRM-M-57590-2022
Date of Decision: 15.12.2022**

Khushi @ Nisha Maurya

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 439 Cr.P.C is seeking grant of regular bail in FIR No.226 dated 08.07.2022 under Sections 369 and 328 of IPC registered at Police Station, Sector 14, District Gurugram.

Learned counsel for the petitioner submits that there is allegation of illegal taking away of child from the custody of the mother of the child. The child was not recovered from the custody of the petitioner and there was no *mala fide* intention on the part of the petitioner. This Court has already granted bail to co-accused. The petitioner is in custody since 11.07.2022 and not involved in any other case.

Learned State counsel submits that petitioner has abetted commission of offence and alleged offence is triable by Sessions Court. The challan has already been presented and charges are yet to be framed.

Keeping in mind:

- i) the petitioner even if conceded that she has committed alleged offence, had not committed for the purpose of ransom;
- ii) the child has already been recovered;
- iii) the petitioner is in custody since 11.07.2022;
- iv) the challan has already been presented and charges are yet to be framed;
- v) the petitioner is not involved in any other offence;
- vi) the co-accused has already been released on bail;
- vii) there is no evidence on record indicating that petitioner would flee from justice;
- viii) the petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- ix) the investigation stands concluded, thus, no recovery is going to be effected from the petitioner;
- x) the State has not brought on record any evidence indicating that petitioner would win-over witnesses or manipulate evidence(s);

this court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail subject to conditions

imposed by trial Court / CJM / Duty Magistrate keeping in mind guidelines laid down by a three judge bench of the Supreme Court in ***Hussainara Khatoon (I) Vs Home Secy., State of Bihar (1980) 1 SCC 81.***

(JAGMOHAN BANSAL)
JUDGE

15.12.2022
Mohit Kumar

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