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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-52882-2023

Date of Decision:12.12.2023

Ramandeep Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Akshay Chadha, Advocate,
for the petitioner.

Mr. G.S. Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.36 dated 27.02.2023, under Sections 317, 307, 325 and 120-B of IPC and Section 302 IPC added later on, registered at Police Station Dugri, Police Commissionerate Ludhiana.

2. It has been submitted by learned counsel for the petitioner that the present FIR was lodged on the basis of statement of one Shashi Saxena by alleging that they have seen in the street a newly born female child, who was thrown and took the child to the hospital and later on, the child died. He further submitted that the petitioner is a lady of the age of 39 years and is living with her daughter and her daughter was a victim of rape and an FIR to this extent was also lodged under Section 376 IPC and also under the POCSO Act against one Gaurav Bhagat. He also submitted that so far as the role of the petitioner in the present case is concerned, she is the mother of

the aforesaid minor girl whose child has allegedly died and the allegations against the petitioner are that she helped her daughter to throw away the aforesaid child. He further submitted that the petitioner has already faced incarceration for 9 months and the investigation of the case has already been completed and thereafter, challan has also been presented and even the complainant has not supported the prosecution version while deposing before the Court as prosecution witness and therefore, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. G.S. Sidhu, learned AAG, Punjab submitted that it is correct that the petitioner is in custody from 27.02.2023, which is almost 9 months and the role of the petitioner was that she is the mother of the minor girl whose new born female child was thrown away and she had helped in the aforesaid act.

4. I have heard the learned counsels for the parties.

5. The petitioner is stated to be a lady of the age of 39 years and as per the prosecution story, a newly born female child was thrown away from the house and was taken by the neighbours to the hospital and ultimately she passed away. The petitioner is not the mother of the aforesaid child as per the learned counsel for the parties but is the maternal grandmother. The role attributable to the petitioner was helping her daughter. All these allegations are to be seen at the time of trial which can be done only by way of adducing evidence. The investigation of the case has already been completed and the challan has also been presented before the competent Court and thereafter, the complainant stands examined but he has not supported the prosecution version as per the learned counsel for the petitioner. Apart from the above, it

is neither the case of the State nor it has been so argued by the learned State counsel that in case the petitioner is released on bail then she may abscond or flee from justice or may repeat the offence or may influence any witnesses. Therefore, considering the aforesaid facts and circumstances and especially the fact that the petitioner is a lady of the age of 39 years, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

12.12.2023

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No. |