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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9015-2024
Date of decision:-01.05.2024

GURLEEN KAUR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Hitesh Pandit, Advocate
for the petitioner.
Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned counsel for the State has filed short reply by way of affidavit dated 01.05.2024 of Deputy Superintendent of Police, Sub-Division, Kharar-I, District S.A.S. Nagar. The same is taken on record, copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0222	12.12.2023	370 (4), 363, 363-A, 120-B	Balongi, District SAS Nagar

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on

the basis of alleged disclosure statements made by co-accused Surinder Kaur and Darshana Rani which is not having any evidentiary value. He submits that the alleged recovery of child was effected from the co-accused Surinder Kaur and Darshana Rani and no recovery has been effected from the petitioner. He submits that the petitioner is in custody since 14.12.2023, as such he prays for grant of concession of bail to the petitioner.

4. On the other hand, learned State counsel has opposed the bail petition by arguing that the petitioner along with co-accused were found indulging in illicit business of kidnapping minor children and selling them for the purpose of begging etc. He however admitted that no recovery of the child has been effected from the possession of the petitioner and after completion of the investigation, challan has already been presented in Court.

5. After considering the rival contentions and perusing the record, it transpires that the instant case was registered against Surinder Kaur and Darshana Rani on receiving secret information that they were indulging in illicit business of kidnapping minor children and selling them for the purpose of begging. Accordingly, nakabandi was laid and both Surinder Kaur and Darshana Rani carrying one child in their arm were apprehended and arrested on 12.12.2023. During course of investigation both the accused suffered disclosure statement naming the petitioner who have handed over the child to them and accordingly, the petitioner was arrested on 14.12.2023, since then she is in custody.

6. Admittedly, the recovery of child was not effected from the possession of the petitioner nor she is named in the FIR and after completion

of investigation, challan has already been presented in Court and prosecution has cited 8 witnesses and even the charges are yet to be framed by the learned trial Court. So in these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

01.05.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |