

2024.PHHC:098580



218.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19377-2024
Date of decision: 01.08.2024

Kiran Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: None for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.318, dated 26.07.2023, registered under Sections 370, 120-B of IPC, 1860 and Sections 81, 84 of Juvenile Justice Act, 2015 at Police Station Israna, District Panipat.
2. The aforesaid FIR was registered with the allegations that on 26.07.2023, L/ASI Lata received information from N.C. Medical College, Panipat that a baby girl, about 10 days old, has been admitted on 22.07.2023 and said child does not seem to belong to the persons who admitted her. The matter was enquired and as per said hospital record, the parents' names of said girl were found to have been recorded as Pinki and Sukhbir. However, they were not found at the spot at the relevant time. On

further enquiry, it was revealed that the said girl child was brought by them from Gurugram in collusion with some other lady Kiran (present petitioner) and they have absconded. Initially, the FIR was registered under Sections 369, 370 and 120-B of IPC and lateron Section 369 IPC was deleted and Sections 81, 84 of Juvenile Justice Board, Panipat were added. On 27.07.2023, the petitioner along with her husband was arrested.

2.1. The allegation against the petitioner-Kiran is that she, after taking the said baby girl from the biological mother, namely, Archana, who is her sister, under the garb that she would adopt her legally lateron, sold the said baby girl to Pinki and her husband Sukhbir, for a sum of Rs.3 lakhs. The matter came to light when said child was admitted in N.C. Medical College, Panipat on 22.07.2023 where the petitioner started demanding rest of the agreed amount from Pinki and her husband Sukhbir in the hospital premises itself and arguments took place between them. The matter was reported to the police. Investigation was carried out and sum of Rs.60,000/- was recovered from the rented house of the petitioner.

3. There is no representation for the petitioner when the matter is called. However, the paper book is perused wherein it has been contended that the petitioner has been falsely implicated in the present FIR. It has been further contended that the petitioner has been apprehended in the present case on the basis of disclosure statement of Pinki and her husband Sukhbir. Petitioner had never stolen or kidnapped the baby girl and said fact is corroborated from the deposition of Archana, biological mother of baby

girl, recorded on 27.02.2024 before the learned Additional Sessions Judge, Panipat. Recovery of Rs.60,000/- does not amount to any evidence that she had participated in the alleged crime. In fact, said amount was her savings. The petitioner is in custody since 27.07.2023. Investigation has been completed. Challan has already been presented and charges have been framed. Nothing is to be recovered from the petitioner. Trial in the case will take long time to conclude. No useful purpose would be served by keeping the petitioner behind bars any longer.

4. Learned State counsel has opposed the bail to the petitioner considering the seriousness of allegations. However, he has not disputed the custody of the petitioner.

5. I have heard the submissions of learned State counsel and have gone through the paper book.

6. Considering the fact that petitioner is in custody for the last 1 year and 5 days, completion of trial will take some time and biological mother of child has not supported the version of prosecution in the trial, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to her furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Duty Magistrate. The trial Court may impose any other condition as it deems fit.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

August 01, 2024
sanjeev

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