

2024:PHHC:099294



218/A.

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

CRM-M-20835-2024

Date of decision: 01.08.2024

Pinki

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Naveen Kashyap, Advocate, 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 120-B, 369, 370 of IPC, 1860 (Sections 81, 84 of Juvenile Justice Act, 2015 added lateron) 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 (present petitioner) 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 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 present petitioner along with her husband were arrested and on their disclosure statement, the other lady Kiran was also arrested.

2.1 The allegation against the petitioner-Pinki is that she along with her husband illegally bought a girl from Kiran, for a sum of Rs.3 lakhs. Kiran brought said girl from her sister Archana from Gurugram under the garb that she would adopt her legally lateron, but she sold said girl to the petitioner and her husband. The matter came to light when said baby girl was admitted in N.C. Medical College, Panipat on 22.07.2023 where said Kiran started demanding rest of the agreed amount from the petitioner and her husband Sukhbir in the hospital premises itself and arguments took place between them.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present FIR. The petitioner is in custody since 27.07.2023. Investigation has been completed. Challan has already been presented and charges have been framed. Out of 16 witnesses cited by the prosecution, Archana, biological mother of child, has been examined so far on 27.02.2024 before the trial Court as PW1. She has made the statement that accused had neer stolen or kidnapped her baby girl.

4. Learned State counsel has filed status report by way of affidavit dated 31.07.2024 of Sandeep Kumar, HPS, Deputy Superintendent of Police, HQ, Panipat, on behalf of respondent-State along with Annexures R-1 and R-2, which is taken on record. He has submitted that the petitioner was having medical issues because of which she could not become mother. So, the petitioner contacted with Kiran for buying child. Though 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 and has fairly submitted that the petitioner is not found to have been involved in any other case. Case is at the stage of prosecution evidence and out of 16 witnesses, one witness, who is mother of the child, has been examined, but she has not supported the version of prosecution.

5. I have heard the submissions of learned counsel for the petitioner, 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, trial in the case will take some time to conclude and PW1 has not supported the version of prosecution, 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