



CRM-M-30306-2024

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

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CRM-M-30306-2024

Date of Decision : **October 29, 2024**

KIRNA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Parminder Singh-I, Advocate for the petitioner.
Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.38 dated 2.4.2024, Under Sections 364-A, 34, 120-B IPC, registered at Police Station Civil Lines, Bathinda.
2. On the statement of one Mohit Garg, the instant FIR has been registered. The relevant extract reads as under:-

“Stated that I am resident of above mentioned address. We are three brothers and sister. My elder sister Nishu Garg is married. I am younger to her. Sahil Garg is my youngest brother, who is aged about 27 years and is still bachelor. We have a shop under the name of Garg Trading Company, situated in Sirki Bazaar Bathinda. My brother Sahil Garg is working at the shop at Sirki Bazaar Bathinda and he is doing finance work along with it. Yesterday on 01.04.2024, time was about 1.30 p.m., he went out of house on his Aactiva Sctoer, Colour Gray, No.PB-03BN-6164, however, he did not tell any member of family that where he was going. As my brother was not returned home, so at about 4 p.m. I



called my brother Sahil Garg on his mobile No.94630-87848 from my mobile number and the mobile phone of my brother was switched off. I enquired about my brother Sahil from his friends, who said that they had not talk to Sahil. Again at about 6 p.m. when I was present on Bhatti Road, Bathinda, in search of my brother Sahil Garg, then I received a whatsapp call from Mobile No.94630-87848 of my brother on my mobile no.7888635203 and my brother said to me that he is struck somewhere and arrange 40 boxes/money. He cut the phone by only saying this. Then my brother again called whatsapp call after about 1 minute from his above number to my above number and my brother told me that this fact should not be made aware to anyone, otherwise, these persons can harm me and again call was cut and phone was switched off. Thereafter the other family members of my family and friends of Sahil, received calls on their mobile numbers regarding above mentioned matter. I and my family members searched a lot of my brother Sahil, but till date he has not been traced. Now I am sure that my brother Sahil Garg has been abducted by some unknown persons and they are demanding money.”

3. During the investigation, the present petitioner has been arrested and the recovery of alleged ransom amount of Rs.3 lacs was effected from the present petitioner.

4. Learned counsel for the petitioner in the asking for the relief (supra) submits that the petitioner is a lady and has suffered incarceration of about 7 months as on today and she is having clean antecedents. He further submits that it is not a case of any injury, rather there was a money dispute between the present complainant and the petitioner and her husband. He also submits that there is no cogent evidence available with the prosecution to connect the present petitioner with the instant crime.



5. The learned State counsel has vociferously opposed the grant of regular bail to the petitioner and placed on record the custody certificate *qua* the petitioner. He further submits that the petitioner is one of the master mind in the instant crime, who has facilitated the kidnapping of the victim Sahil Garg and thereupon they demanded the ransom amount and the petitioner was arrested with the alleged ransom amount of Rs.3 lacs. He also informs this Court that the final report in the instant FIR has already been filed on 30.5.2024 but the charges have yet not been framed and the prosecution has cited total 22 witnesses in the final report

6. This Court has examined the rival submissions made by the learned counsel for the parties concerned.

7. Considering the fact that the petitioner is a woman and has suffered incarceration of about 7 months as on today and she has clean antecedents and the trial is at the initial stage, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

8. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

October 29, 2024
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No