

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-47254-2024 (O&M)
Date of Decision:- 10.12.2024

Sukhbir... Petitioner

Versus

State of Haryana... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manish Dhankar Advocate for the petitioner.
Mr. Munish Sharma, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
318	26.7.2023	Israna, Panipat, Haryana	370, 120-B of Indian Penal Code and Sections 81, 84 of Juvenile Justice Act, 2015

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR in question was lodged on 26.07.2023 pursuant to receipt of information by L/ASI Lata from N.C. Medical College, Panipat that a baby girl, about 10 days old, has been admitted on 22.07.2023 and that the said child does not seem to belong to the persons who got her admitted. 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 and they had 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. It is alleged that Kiran 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 (petitioner), for a sum of Rs.3 lakhs. It is alleged that the matter came to the light when said child was admitted in N.C. Medical College, Panipat on 22.07.2023 where Kiran 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. The investigation was carried out and sum of Rs.60,000/- was recovered from the rented house of Kiran.

3. Status report by way of affidavit of Shri Jaswant Singh, HPS, Deputy Superintendent of Police, CAW, Panipat has been filed by learned State counsel, which is taken on record.
4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and that the falsity would be evident from the fact that when the biological mother of the child in question was examined during the course of proceedings of trial, she absolutely resiled from her statement. It has further been submitted that the petitioner, in any case, would also entitled for grant bail on grounds of parity inasmuch as co-accused Pinki, who is wife of the petitioner and against whom identical allegations have been levelled, has already been granted bail. It has further been submitted that there is nothing on record to show that the petitioner had any role in



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abduction or transporting of the child and at best it could be said that they had acquired the possession of the child by illegal means of payment etc.

- 5. Opposing the petition, learned State counsel submitted that since serious allegations have been levelled against the petitioner, no case for grant of bail is made out. Learned State counsel has not disputed that co-accused Pinki and Kiran have already been granted bail by this Court. It has also been informed the petitioner as on date has been behind bars since the last about 1 year, 4 months and 12 days and is not involved in any other case.
- 6. This Court has considered rival submissions addressed before this Court.
- 7. Without commenting anything as regards the veracity of the averments made in the petition, but having regard to the fact that the complainant has not fully supported the case of the prosecution and the petitioner otherwise has been behind bars for a substantial period of about 1 year, 4 months and 12 days and even the co-accused has already been granted bail, further detention of the petitioner would not be justified.
- 8. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.12.2024
Geeta

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No