



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

CRM-M-46250-2024 (O&M)
Date of Decision:-8.11.2024

Preeti ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parveen Dahiya, Legal Aid Counsel,
for the petitioner.
Mr. Japjot Singh, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
94	7.8.2022	Sri Anandpur Sahib, District Rupnagar	363, 368 of Indian Penal Code, wherein offence under Section 370 IPC was added later on

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the abovementioned FIR.
2. The FIR was lodged on the basis of secret information received by the police to the effect that Preeti (petitioner) was a child lifter and was keeping two children i.e. a boy aged 6-7 months old and a girl, who was aged about 9-10 years old. The information was further to the effect that co-accused Harman Singh had kidnapped the little child i.e. the boy aged 6-7 months and that Preeti was residing with Harman Singh at Anandpur Sahib since the last about 2 months.



3. Status report by way of affidavit of Shri Ajay Singh, PPS, Deputy Superintendent of Police, Sri Anandpur Sahib, District Rupnagar, Punjab has been filed by learned State counsel, which is taken on record.
4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the police during the course of investigation had conducted DNA examination of the petitioner as well as of two children and that while the female child has been opined to be the petitioner's daughter, the male child is opined not to be of the petitioner. Learned counsel for the petitioner submitted that, in any case, even as per the allegations levelled in the FIR, it is co-accused Harman, who is alleged to have kidnapped the little child. It has further been submitted that the petitioner, in any case, has been behind bars since the last about 2 years, 2 months and 28 days and otherwise has a clean record and under these circumstances, her further detention will not serve any useful purpose.
5. Opposing the petition, learned State counsel submitted that since the petitioner was found to be carrying the child, who as per DNA report is not the son of petitioner and is a kidnapped child, her complicity is clearly evident. It has been informed that the petitioner as on date has been behind bars since the last about 2 years, 2 months and 28 days and that the petitioner otherwise has a clean record.
6. This Court has considered rival submissions addressed before this Court.
7. Without commenting anything as regards merits of the case, but having regard to the fact that the petitioner is a lady and has a clean record and has been behind bars for a substantial period of about 2 years, 2 months and 28



days, her further detention will not serve any useful purpose as conclusion of trial is likely to consume time.

8. The instant petition, as such, is accepted and the petitioner is ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8.11.2024
Pankaj

(Gurvinder Singh Gill)
Judge

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