

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-53548-2023
Date of decision:-20.08.2024

BALWINDER SINGH AND ANOTHER

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Vikasdeep Singh, Advocate for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned counsel for the State has filed status report by way of affidavit dated 22.07.2024 of Deputy Superintendent of Police, Sultanpur Lodhi, District Kapurthala along with custody certificate dated 18.08.2024 the same are taken on record. Copy thereof have been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case :-

FIR No.	Dated	Sections	Police Station
172	14.08.2023	318, 120-B IPC (315 IPC added later on	Sultanpur Lodhi District Kapurthala



3. It is *inter alia* contended by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case. He contends that the daughter of petitioners had given birth to a dead child in the hospital and the petitioners had no involvement therein. He contends that a false case has been planted on the petitioners and they are in custody since 15.08.2023. He contends that after completion of the investigation challan has already been presented in Court and no witness cited by the prosecution has yet been examined. He contends that the petitioners are not having any criminal antecedents, as such he prays for grant of concession of regular bail to the petitioners.

4. Per contra learned State counsel referring to the reply submitted by the State submits that petitioners were instrumental in the death of unborn child of their daughter and as such are not entitled for concession of regular bail. However, he has admitted that challan has since been presented in Court wherein the prosecution has cited 15 witnesses but none of the witness has been examined till date. He has not denied the fact that the petitioners are not having any criminal antecedents.

5. After considering the respective submissions and perusing the record, it transpires that the allegations qua the petitioners are that they had brought their daughter to a Civil Hospital for treatment and allegedly took her to bathroom of the hospital where they allegedly killed the baby girl in the womb. The petitioners were arrested on 15.08.2023 and since then they are in custody, after completion of investigation challan has already been presented in Court where it is pending trial. The prosecution has cited 15 witnesses but till date none of the witness has been examined. The petitioners



are not having any criminal antecedents. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioners and no purpose would be served by detaining the petitioners any longer in custody.

6. Resultantly, the present petition is allowed. The petitioners are ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

20.08.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |