



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14089-2025
DECIDED ON: 28.07.2025

VARSHA DEVI @ VARSHA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Suresh Kumar Kaushik, Advocate
for the petitioner.
Ms. Mayuri Lakhanpal Kalia, DAG Haryana

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No.278 dated 17.09.2024 under Section 137 of the Bharatiya Nyaya Sanhita [later added charges under Sections 139(1), 142 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023] registered at Police Station Sector-65, Gurugram, District Gurugram [Annexure P-1].

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To the SHO, Police Station Sector-65, Gurugram. Sir, I; Jitender S/o Mahender R/o Village Hatana, Tehsil Chhata Dhana Kosi, District Mathura [UP], at present resident of house of Baharampur Sonpal Gujjar, Gurugram. I have a total of two children. Out of which one name is Kanha. His age is 5 years. Today, my son Kanha was playing in the street in the

afternoon. After some time when we looked for my child Kanha, he could not be found and we started searching for him. We could not find him. After that, we saw the video of cameras installed in the street. That my son was seen going with an unknown woman. We suspect that an unknown woman has taken my son Kanha with her. Please search my son Kanha. Sd/- Jitender 9654023235.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and was not named in the FIR. He further submits that, as per the CCTV footage, although the petitioner resides in the vicinity of the complainant, she was merely on his way to his residence on the date of the alleged incident. It is evident from the footage that the petitioner was not carrying the child, but rather the child was following her on his own. Learned counsel further argues that the petitioner has been in custody since 19.09.2024; the investigation has already been completed, the challan has been presented before the Court, and no recovery remains to be effected from the petitioner.

On behalf of the State

Learned State counsel has produced the custody certificate of the petitioner, which is taken on record. He strongly opposes the prayer for grant of bail, contending that the allegations against the petitioner are of a grave nature, involving the abduction of an innocent child with the intent to exploit him for begging purposes. In view of the seriousness of the offence, it is submitted that the petitioner is not entitled to the concession of regular bail.

4. Analysis & Conclusion

In the present case, the allegations against the petitioner are grave and of a serious nature as the prosecution case reveals that a minor child, merely five years old, was abducted in broad daylight from a public street. The abduction was captured on CCTV footage, which clearly showed a woman walking away with the child. Based on credible information, the police apprehended the petitioner, who upon interrogation, confessed to having kidnapped the child with the intent to sell him for the purpose of begging. Moreover, the custody period suffered by the petitioner is only 10 months and 8 days and trial is moving at reasonable pace, as after framing of charges on 02.01.2023 out of total 13 prosecution witnesses 2 have already been examined.

The Court while considering the bail petitions is conscious that personal liberty has to be weighed and balanced with societal/public interest at large, and ensure that the course of justice is not thwarted by the powerful and influential accused persons.

In view of the foregoing circumstances, the nature and seriousness of the allegations, and the potential risk to the integrity of the trial, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail at this stage. Accordingly, the present regular bail petition stands dismissed being devoid of merit.

(SANDEEP MOUDGIL)
JUDGE

28.07.2025

Meenu

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No