

225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65176-2024
Date of Decision: 17.02.2025

Priyanka ...Petitioner

vs.

State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Luvinder Sofat, Advocate with
Mr. Vipin Kumar, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to her in case FIR No.418 dated 12.09.2023 registered under Sections 365, 370, 120-B of IPC, at Police Station, SGM Nagar, Faridabad, District Faridabad.

2. The FIR in the present case was registered on the basis of the statement made by Sunil Kumar son of Agnu and the same has been reproduced below:-

*“To Chowki Incharge Town No.3, NIT Faridabad.
Sir, it is a request that I am Sunil Kumar Son of Agnu, resident
of Village Thanpur, Tehsil Hydergada, District Barabanki
(UP), tenant half, D-12 Anagpur Dairy, Near Sanatan*



Dharma Mandir, Sector 37, Faridabad. On 11.09.2023 at around 2 AM, my wife Anita who was expected to be delivered a child, I had taken her to the BKH Hospital. At around 03:30 AM, my wife gave birth to a son and after delivery, Dr. Saheb shifted my wife to ward No. 103. After having dinner at 10:00 PM, I came down to the waiting area to sleep. When I reached my wife Anita in the morning on 12.09.2023, I saw a lady wearing a yellow coloured flower suit. She was feeding my son in her lap. I asked my wife who is she? then my wife told that she has performing her duty in the ward. I went down to have tea and at about 07:45 AM my mother Ram Dehi came crying and met me downstairs and told me that the woman was feeding the child. She told me to get your daughter-in-law's clothes to change. When I went to the bathroom to get Anita's clothes to change and came back after getting her clothes to change, that woman was not in the ward and neither was my child. This unknown woman took my child with her and till now we kept searching here and there but could not find it anywhere and now I have come to report it. After registering my report, my child should be searched and that woman should be given the hardest punishment, it will be so kind of you. Sd/- Applicant Sunil Kumar 8368384712, 9811445441.”

3. Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor had any concern with the alleged crime. He further contends that the petitioner was arrayed as an accused on the basis of the statement made by her co-accused in police custody and the said evidence is inadmissible against her. He further contends that except



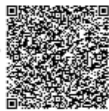
the disclosure statement suffered by co-accused, there is no other evidence with the police to connect her with the commission of crime. The petitioner was arrested in the present case on 17.09.2023 and is in custody for the last 01 year and 05 months. The final report under Section 173 Cr.P.C. has already been presented against the petitioner and she is not in a position to influence the witnesses of the prosecution.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that one more case of similar nature has been registered against the petitioner and she is a habitual offender.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, certain women had stolen a child from the maternity ward of a hospital. However, now the child has been re-united with the family. Moreover, the petitioner is facing prosecution in one more case of similar nature and her case is distinguishable from the accused, who are facing 11 other cases of similar nature. The petitioner is in custody for the last one year and 05 months and the trial is not likely to conclude in near future.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the



trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade her to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent herself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender her passport, if any, (if already not surrendered), and in case she is not holder of the same, she shall swear an affidavit to that effect.
- (v) The petitioner shall also file her affidavit before the concerned Court, mentioning her ordinary place of residence and number of mobile phone, which shall be used by her during the pendency of the trial. In case of change of place of residence/mobile number, she shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

17.02.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No