

Mohammad Nazim Alias Nazam vs State Of Punjab on 29 January, 2019

Author: Sudhir Mittal

Bench: Sudhir Mittal

CRM-M-53606 of 2018
CRM-M-53589 of 2018
CRM-M-53981 of 2018
CRM-M-52371 of 2018
CRM-M-46341 of 2018

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.214

CRM-M-53606 of 2018
DECIDED ON: January 29, 2019

MOHAMMAD NAZIM @ NAZAM

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

2.

CRM-M-53589 of 2018

RAVINDER KAUR @ PINKI

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

3.

CRM-M-53981 of 2018

MOHAMMAD NAFEES @ NAFEES

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

4. CRM-M-52371 of 2018
MOHINDER SINGH
..PETITIONER
VERSUS
STATE OF PUNJAB
...RESPONDENT

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CRM-M-53589 of 2018
CRM-M-53981 of 2018
CRM-M-52371 of 2018
CRM-M-46341 of 2018

5. CRM-M-46341 of 2018
PURAN
..PETITIONER
VERSUS
STATE OF PUNJAB
...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Liaqat Ali, Advocate,
for the petitioner in CRM-M-53606 of 2018.

Ms. Manjeet Kaur, Advocate,
for the petitioner in CRM-M-52371 of 2018.

Ms. Gursharan Kaur, Advocate for
Ms. Neetu Singh Aashat, Advocate,
for the petitioner in CRM-M-53589 of 2018.

Mr. Kirat Singh Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

This order shall decide above five cases viz. CRM-M-52371 of 2018, CRM-M-53981 of 2018, CRM-M-53589 of 2018, CRM-M-46341 of 2018 and CRM-M-53606 of 2018 as the same have arisen out of the same FIR. Facts are being extracted from CRM-M-53606 of 2018.

The petitioners seek regular bail in FIR No.183, dated 08.07.2018, registered at Police Station Phillaur, District Jalandhar Rural, under Section 363-A, 370, 120-B IPC.

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Learned counsel for the petitioners submit that the FIR was registered against un-known persons. The recipient of the child allegedly kidnapped is Veerpal Kaur and person who sold the child to her is Mohinder Singh. Thus, the petitioners have been unnecessarily involved in this case. They have been in custody since long and the trial is likely to take a long time to conclude as the case is still at the stage of commitment proceedings. Thus, the petitioners deserve to be granted regular bail.

Learned State counsel submits that this is not a case of false implication. As per the police investigation, the petitioner kidnapped the child of the complainant and thereafter, handed him over to one Puran Singh who further handed it over to Mohinder Singh and Ravinder Kaur. Although money was received by Mohinder Singh, the same was shared by all the persons involved in the chain. It is, however, not denied that the case is at the stage of commitment proceedings.

As per the police investigation, the petitioners abducted the child of a street vendor hailing from Madhya Pradesh for the purpose of enriching themselves. After abduction, the child was sold for monetary consideration. Whether the child was purchased for adoption or for some other illegal purpose is yet to be established. It however seems unlikely that a child would be purchased for the purposes of adoption as children can be easily adopted through agencies meant for the said purpose. It is not a very difficult process. Thus, the petitioners are alleged to have been involved in a heinous crime and keeping in view the nature of the offence it would not be safe to release such persons in society.

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The petitions are accordingly dismissed at this stage. However, nothing stated hereinabove shall be construed to be an expression of opinion on merits of the case.

A copy of this order be placed on the files of other connected cases.

January 29, 2019

Ankur

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No

(SUDHIR MITTAL)

JUDGE

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