

# Kulwant Singh vs State Of Punjab on 23 February, 2012

Criminal Misc. M- 1461 of 2012

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Criminal Misc. M- 1461 of 2012(O&M)  
Date of decision:23rd February, 2012

Kulwant Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE: HON'BLE MR. JUSTICE VIJENDER SINGH MALIK

Present: Mr. Sunil Agnihotri, Advocate  
for the petitioner.

Mr. Amandeep Singh Rai, DAG, Punjab  
for the respondent - State.

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not?Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Vijender Singh Malik, J.(Oral)

Kulwant Singh has applied for regular bail in a case registered by way of FIR No. 196, dated 28.10.2011 at Police Station Dakha, District Ludhiana for an offence punishable under sections 369 and 120-B of the Indian Penal Code, 1860.

Learned counsel for the petitioner submits that the petitioner alongwith others was found in possession of one day old girl child and for that he has been booked for the aforesaid offence. According to him, the girl child was the seventh daughter of its mother and that the said mother had given the child to the petitioner and others for being given to some needy couple. He has further submitted that other co-accused of the petitioner have been granted bail by this Court.

Learned State counsel opposes the bail plea of the petitioner. According to him, one day old girl child was kidnapped by these persons.

At page 10 of the paper book, there is an affidavit of one Raj wife of Hira Singh. In the affidavit, she has stated that the child was her seventh daughter and on account of poverty, she gave her child to the petitioner and others for being given to some child less couple. It is a fact that co-accused of the petitioner have already been granted bail by this Court vide orders dated 09.01.2012 in Crl.Misc.No.M-37931 and 38587 of 2011.

Keeping in view the fact that the co-accused of the petitioner have been granted bail and the fact that Raj whose child was with the petitioner had herself sworn an affidavit for giving the said child to the petitioner, for being given to some needy couple, the petitioner is found entitled to the concession of bail. Consequently, the petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the Chief Judicial Magistrate, Ludhiana.

[VIJENDER SINGH MALIK] JUDGE 23rd February, 2012 Shivani Kaushik