

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-22692-2021

Date of decision : 29.10.2021

Ranjit Singh @ Rana

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr.Sahil Soi, Advocate
for the petitioner.

Mr.A.K.Kaundal, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first bail application under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.104 dated 20.08.2020 registered under Sections 363, 370(4), 120B IPC at Police Station Division no.4, District Police Commissionerate, Jalandhar.

The present FIR was lodged on the complaint of one Roshan Kumar who stated that on 20.08.2020, he had taken Khushboo Devi, wife of his brother Deepak Singh, to the Civil Hospital, Jalandhar as she was expected to deliver a child. The said Khushboo Devi delivered a male child at about 12.50 PM. The doctor informed the complainant party that they will have to arrange blood for the child and the child would be examined at the children's ward. The child was ultimately taken to the children's ward and the nurse present there informed that the child has been kept in the machine.

and when they came back, the child was not there. It was alleged that the child had gone missing due to negligence of the doctor and nurses. An FIR was lodged on the account of the same. Investigation was carried out in the present case. Gurpreet Singh @ Gopi was apprehended after the CCTV footage was seen in which a bolero car bearing registration no.PB08CG-2473 was spotted and after checking the ownership of the same, the owner was identified and it was further found that two persons had taken the child in the said car and said two persons were Gurpreet Singh @ Gopi and Gurpreet Singh @ Pita. Further, said Gurpreet Singh @ Gopi in his disclosure statement stated that he along with Gurpreet Singh @ Pita had got a new born child from Civil Hospital, Jalandhar, which was handed over to them by Kiran, who was working as Sweeper in the hospital. It was further stated that the child had been handed over to co-accused Davinderjeet Kaur @ Aman and her alleged husband Ranjit Singh @ Rana (present petitioner) by Gurpreet Singh @ Gopi and Gurpreet Singh @ Pita. It was found that Sweeper Kiran, who was on duty on 20.08.2020 in the children's ward, had kidnapped the new born child and had handed him over to said two persons. Further, as is apparent from confessional statement of Davinderjit Kaur @ Aman at page 15 of the challan, who is stated to be wife of the present petitioner, the child was recovered from a rented accommodation at Mandir Balmiki, Village Khurshaidpur Colony. The said Davinderjit Kaur is stated to be still in custody. During further investigation, it has been found that one Rekha Khanna resident of Ludhiana, had asked Davinderjit Kaur to arrange a new born baby for which she promised to pay Rs.4 lacs to Davinderjit Kaur. Then Davinderjit Kaur talked to Kiran who was working as a Sweeper in the children's ward at

Civil Hospital, Jalandhar, to make arrangements of a new baby and offered her Rs.80,000/- for the said act.

Learned counsel for the State has stated that present petitioner has been involved in the present matter as he is the husband of said Davinderjit Kaur and was also living in the same house where the child had been recovered from and Gurpreet Singh @ Gopi and Gupreet Singh @ Pita are his friends.

Learned counsel for the petitioner has argued that the petitioner is wrongly stated to be the husband of Davinderjit Kaur and in fact the said Davinderjit Kaur is 50 years old whereas the present petitioner is 27 years old and the name of the wife of the petitioner is Lovepreet Kaur. For the said purpose, he has produced on record copy of Aadhar card to *prima facie* prove the same. The said copy of Aadhar card is taken on record.

Learned counsel for the petitioner has further submitted that the said Davinderjit Kaur is in fact married to one Sandeep Singh and the petitioner has no concern with said Davinderjit Kaur from whom the child has been recovered. It has been stated that the house from where the child has been recovered has large number of tenants residing in separate rooms in the same premises. The present petitioner along with his wife Lovepreet Kaur are residing in separate rooms under a separate tenancy than Davinderjit Kaur and her husband who were residing in a separate room under a separate tenancy. Learned counsel for the petitioner has submitted that the petitioner has never been involved in any case and has been in custody since 22.08.2020 and the challan has been presented in the present case and there are as many as 24 witnesses and trial is likely to take some time, more so in view of the present Covid pandemic.

Learned counsel for the petitioner has further argued that Kiran and Rekha Khanna, who are the persons who had kidnapped the child and on whose asking the child was kidnapped, have been granted regular bail by a co-ordinate Bench of this court on 12.10.2021 in **CRM-M-38014-2020** titled as **“Kiran vs. State of Punjab”** and **CRM-M-39642-2020** titled as **“Rekha Khanna vs. State of Punjab”**. It is submitted that the case of the petitioner is on a higher footing than that of the aforementioned two persons.

Learned counsel for the petitioner has further submitted that there is nothing on record to show that the petitioner is a friend of Gurpreet Singh @ Gopi or Gurpreet Singh @ Pita.

Learned State counsel has although opposed the bail application but has not disputed the custody period of the petitioner.

This Court has heard learned counsel for the parties.

It is not in dispute that the petitioner has not been named in the FIR. The allegations of kidnapping the child from the hospital are against Kiran and it is stated that the said Kiran had handed over the child to Gurpreet Singh @ Gopi and Gurpreet Singh @ Pita, who in a Bolero car, had taken away the child from the hospital. The child has been recovered on the basis of statement of co-accused Davinderjit Kaur and the petitioner is primarily being involved in the matter on account of allegedly being the husband of co-accused Davinderjit Kaur and also for residing at the same address as the said Davinderjit Kaur.

Learned counsel for the petitioner has produced documents and details to show that the petitioner is not married to Davinderjit Kaur and is in fact married to Lovepreet Kaur and the said Davinderjit Kaur is married

to one Sandeep Singh. The question as to whether said Davinderjit Kaur has any link with the present petitioner would be a moot point to be decided during the course of trial. Co-ordinate Bench of this Court has granted the concession of regular bail to Kiran and Rekha Khanna vide judgment dated 12.10.2021 passed in CRM-M-38014-2020 and CRMM-39642-2020, respectively and the case of the present petitioner is on a better footing than the case of the aforesaid co-accused Kiran and Rekha Khanna. The petitioner is not involved in any other case and has been in custody since 20.08.2020 and challan in this case has already been filed and there are 24 witnesses and thus, the trial is likely to take time and more so, in view of the present pandemic.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

October 29, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No