



213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29091-2025
Date of Decision:29.05.2025

Anita Chaudhary ...Petitioner
vs.
State of Haryana ...Respondent

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

Present : Mr. Jashan Singh Sekhon, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana assisted by Raj Kumar.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to her in case FIR No.418 dated 12.09.2023 registered under Sections 365 IPC (Challan presented 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. Even the petitioner was arrested on 13.09.2023 and the baby has already been recovered by the police. He further submits that final report under Section 173 Cr.P.C. has already been presented against the petitioner and the petitioner may not in a position to influence the witnesses of the prosecution. He further contends that all material witnesses have already been examined by the prosecution. Learned counsel has further referred to orders (Annexures P-2 to P-5) to contend that Priyanka, Pooja, Soni alias Jyoti and Ravinder alias Dev alias Bholu have already been granted the concession of bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that

the petitioner was clearly visible in the CCTV footage and even the baby was recovered from the custody of the petitioner.

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

6. In the present case, it remains undisputed that similarly placed co-accused, namely, Priyanka, Pooja, Soni alias Jyoti and Ravinder alias Dev alias Bholu have already been granted the concession of bail by this Court.

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.

(N.S.SHEKHAWAT)
JUDGE

29.05.2025
hemlata

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