



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-25052-2025**

**Date of Decision:13.05.2025**

Kulwinder Kaur ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. D.S Nigha, Advocate  
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

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**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the present petition under Section 483 of B.N.S.S r/w Section 439 of Cr.P.C with a prayer to grant regular bail to her in case FIR No. 187, dated 30.08.2024, registered under Sections 143(4), 3(5) of B.N.S and under Section 81 of Juvenile Justice (Care and Protection of Children Act,2015), Police Station Kotwali Patiala, District Patiala (Annexure P-1).

2. The FIR in the present case was registered on the basis of the statement moved by SI Gurpreet Kaur and the same has been reproduced below:-

*“At this time one Ruqa was received from SI, Gurpreet Kaur 110/PR, PS, Kotwali, Patiala for registered case against Kulwinder Kaur D/o Jagseer Singh R/o Village, Kusa, District Moga, Sarbjit Kaur W/o Gurjant Singh R/o Village Dulma, District Malerkotla, Rajesh Kumar S/o*

*Amarnath, R/o Village Uddan, Sirsa Haryana which is as under: To SHO, I, SI, alongwith ASI, Sherbahadur 210/Patiala, Constable Amardeep Singh 76/Patiala, Constable Harnaam Singh 2865/Patiala, SC Gurpreet Singh 315/Patiala, Lady SC Amanpreet Kaur 3564/Patiala and PHG Shivji Gir 18290 were on a Government Vehicle bearing registration no.PB-65-BA-8134, being driven by Constable Jai Singh 1724 and were present at Sanauri Bus Stop Patiala alongwith Laptop, Printer regarding patrolling and in search of antisocial elements. Then secret informer informed me separately that Kulwinder Kaur W/O Jagseer Singh, R/O Village, Kusa, District Moga, who is working as a Staff nurse in some private hospital at Moga, Sarbjit Kaur W/O Gurjant Singh R/O Village Dulma, District Malerkotla, who was working as a Sweeper at Government Hospital Sangroor and Rajesh Kumar S/O Amarnath, R/O Village Uddan, Sirsa Haryana, in connivance of each other are doing the business of selling & trafficking of new born child. Today, Kulwinder Kaur, D/O Jagseer Singh R/O Village, Kusa, District Moga, who is wearing uniform of Staff Nurse in green colour, is coming to sell new born child to Sarbjit Kaur W/O Gurjant Singh R/O Village Dulma, District Malerkotla and Rajesh Kumar S/O Amarnath, R/O Village Uddan, Sirsa Haryana and is coming near Tata Motor Workshop, Near Kedarnath Mandir, Mathura Colony, Rajpura Road, Patiala. If immediately raid is conducted then Kulwinder Kaur, Sarbjit Kaur and Rajesh Kumar can be arrested alongwith new born child. The above person have committed Offence U/S 143(4), 3(5) of BNS 2023 & 81 of Juvenile Justice (Care and Protection of Children) Act, 2015, for selling/trafficking of new born children. Information being sent to Police Station for registration of case against Kulwinder Kaur, Sarbjit Kaur and Rajesh Kumar and other unknown persons and the same is being*

*sent through Constable Rajveer Singh 3154/Patiala, after typing and taking out the print of the same. After registration of the case, FIR number may be intimated. Copy of the FIR may be sent to Senior Officers and Illaqua Magistrate. Incharge control room may be intimated. I, SI, alongwith co-employees are proceeding towards the spot that is Kedarnath Mandir, Mathura Colony, Patiala. Within boundaries of Sanauri Bus Stop, Patiala. Time 2:20 PM. Sd/-SI, Gurpreet Kaur 110/PR, PS Kotwali Patiala, Dated 30.08.2024”.*

3. Learned counsel for the petitioner contends that the petitioner had no concern with the allegations levelled by the complainant in the present case. Even challan has been presented against her, however, till the conclusion of the investigation, no evidence could be gathered against her and the present F.I.R has been got registered by the complainant due to political vendetta. He further contends that even otherwise, the child has been returned to the family in the present case. By referring to the orders (Annexures P-3 and P-4), learned counsel submits that similarly placed co-accused Sarbjit Kaur and Jashandeep Kaur @ Happy have been granted the concession of bail by this Court. The petitioner was arrested in the present case on 30.08.2024 and the charge has not been framed against her.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the petitioner and the petitioner is not entitled for the concession of regular bail.

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

6. In the present case, it is not in dispute that vide orders (Annexures P-3 and P-4), similarly placed co-accused Sarbjit Kaur and Jashandeep Kaur @ Happy have been admitted to bail by this Court. The petitioner is stated to be in custody for the last more than eight months and challan has been presented against her. Moreover, the petitioner is not in a position to influence the witnesses of the prosecution.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on her furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

**(N.S.SHEKHAWAT)**  
**JUDGE**

13.05.2025  
*hitesh*

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