

IN THE COURT OF VIRINDER AGGARWAL, UID No.PB0045
ADDL. SESSIONS JUDGE, LUDHIANA

CIS No.BA/1674/2018
CNR NO.PBLD010046042018
Date of order: 14th March, 2018

State
versus

Priya alias Pooja, aged 23 years wife of Ranjit Kumar, son of Sham Lal resident of village Botian, P.S. Bakhtaurpur, District Saharsa, Bihar at present Durga Colony, Dhandari Khurd, Distt Ludhiana.

...accused/applicant

FIR No.320 dated 17.12.2017
under Section 365/302/201/34 IPC
P.S. Sahnewal, Ludhiana

Bail application u/s 439 Cr.PC

Present: Sh. Charanjit Singh Channa, Advocate, counsel for applicant
Sh. SS Haider, Addl. PP for State

ORDER:

Applicant-accused has filed this regular bail application on the grounds that she is innocent and has been falsely implicated in the present case. From the allegations levelled in the FIR, no offence is disclosed against applicant. Applicant-accused gave birth to female child in August, 2017 by operation and was not physically fit. The alleged occurrence is of December, 2017. At that time, minor child of applicant was of only four months. After that applicant-accused was not able to commit any crime. The name of applicant is mentioned by the complainant in supplementary statement. She is in custody since 25.12.2017 and is no longer required for investigation. Conclusion of trial will take long time. The only purpose of releasing the applicant on bail is to secure presence of accused. So she be released on bail.

2. Notice served upon State and record is requisitioned.
3. I have heard arguments of learned Counsel for applicant-accused and learned Addl.PP for the State and have gone through the file carefully.
4. Learned Addl.PP for the State argued that applicant-accused along with her husband has committed a heinous offence of killing one eleven year old minor child and thereafter in order to screen away themselves from punishment they had tried to burn the dead body by putting the dead body in a pit and thereafter putting the same on fire. In case applicant-accused is released at this stage on bail, there is every apprehension that she will try to influence the prosecution witnesses and would tamper with the prosecution evidence. So she be not released on bail.
5. Whereas learned Counsel for applicant-accused argued that the evidence against applicant-accused is manipulated and there is no possibility of applicant having been made extra judicial confession before Narinder Kumar or Ram Kumar having seen applicant-accused and her husband digging pit by placing dead body of minor girl near them on 16.12.2017 and Ram Kumar not making a statement till 31.12.2017 to the Police and the statement of Shiv Shanker Singh is also manipulated.
6. Arguments addressed by learned Counsel for applicant is touching the merits of the case of the prosecution. At this stage, merits of the case of the prosecution cannot be discussed threadbare. Whereas as per the material collected on record, the applicant-accused along with her husband was last seen in the company of deceased and a witness has seen them along with dead body of deceased and after case was registered,

applicant-accused and her husband has made extra judicial confession before the witness Narinder Kumar. The trial in this case has not yet commenced. So in case applicant-accused is released on bail at this stage, there is possibility of her trying to influence the prosecution witnesses. In such circumstances, the bail application of applicant-accused is dismissed. Record be returned along with copy of this order. Bail application file be consigned to the record room.

Virinder Aggarwal, (UIN-PB0045)
Addl. Sessions Judge, Ludhiana.

Date of Order: 14th March, 2018
Raj Kumar, Stenographer-II