

CRM Nos. M-13012 and 19255 of 2015 (O&M) 1

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

**CRM No. M-13012 of 2015
Date of decision : 03.07.2015**

Om Parkash

..... Petitioner

Versus

State of Haryana

..... Respondent

**CRM No. M-19255 of 2015(O&M)
Date of decision : 03.07.2015**

Vikas

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Sumit Sangwan, Advocate
for petitioner (in CRM-M-13012 of 2015).

Mr. R.A.Sheoran, Advocate
for petitioners. (in CRM-M-19255 of 2015)

Mr. R.S.Doon, AAG, Haryana.

DARSHAN SINGH,J(Oral)

This order shall dispose of both the petitions mentioned above which have been arisen out of the same case and have been filed by petitioners Om Parkash and Vikas for grant of the regular bail in case FIR No. 27, dated 25.01.2015, under Sections 147, 149, 323, 452, 506 of

Indian Penal Code (for short IPC), registered at Police Station Tosham, District Bhiwani.

As per the prosecution allegations, the present petitioners along with their co-accused have caused injuries to complainant Maya Devi, her daughter in-law Som Devi and Poonam, the handicapped daughter of complainant. It is alleged that due to the assault Som Devi suffered miscarriage. Petitioner Om Parkash was arrested in this case on 16.03.2015 and petitioner Vikas was arrested on 14.02.2015.

Learned counsel for the petitioner Om Parkash contended that no injury has been attributed to the present petitioner. He is in custody for the last more than three months. The trial of the case will take time as an application under Section 319 Cr.P.C has been filed by the prosecution.

Learned counsel for the petitioner Vikas contended that the allegation against the present petitioner is that he has laid down Som Devi, but has not caused any injury to her. He contended that as per the medical opinion, it is not sure that Som Devi suffered miscarriage due to the alleged assault. Even no time of miscarriage has been mentioned in the bed head ticket. No ultrasound report has been placed on record. There is no treatment record in the bed head ticket. He further contended that present petition is in custody for the last more than four and half months.

On the other hand, learned State counsel pleaded that petitioner Vikas has assaulted Som Devi, who suffered miscarriage which is proved from the medical evidence. Petitioner Om Parkash had also

participated in the occurrence. So, they do not deserve the concession of bail.

The aforesaid contentions have been duly considered.

As per the prosecution allegations, in this case three persons namely complainant Maya Devi, Som Devi and Poonam were assaulted. Maya Devi has suffered two injuries and Poonam had suffered four injuries, which are simple in nature. Som Devi, the daughter in-law of the complainant had suffered two injuries. She suffered the miscarriage of her pregnancy.

As per the prosecution allegations, petitioner Om Parkash caught hold the complainant from her hairs and pushed her. No other specific injury has been attributed to petitioner Om Parkash. He is also not stated to be armed with any weapon. He was arrested in this case on 16.03.2015. In this manner, he is in custody for the last more than three months and 18 days.

As per the prosecution allegations, petitioner Vikas has caught hold the complainant from her throat and put her down. Similarly, he has laid down Som Devi. But, the actual assault to Som Devi upon her stomach, which is alleged to have led to her miscarriage has been attributed to co-accused Krishan. This petitioner was also not armed with any weapon. He was arrested on 14.02.2015 and is in custody for the last four months and 19 days.

This fact is not disputed that the case is pending at the stage of trial and an application has been filed under Section 319 Cr.P.C for summoning the additional accused. Thus, the decision of the case will

take time. The further detention of the petitioners will not serve any purpose.

Consequently, keeping in view my aforesaid discussion and without further mentioning anything on the merits of the case, the present petitions are hereby allowed and petitioners Om Parkash and Vikas are ordered to be released on bail on furnishing personal/ surety bonds to the satisfaction of learned Chief Judicial Magistrate, Bhiwani.

A copy of this order be placed on the connected case file.

03.07.2015

s.khan

**(DARSHAN SINGH)
JUDGE**