

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

CRM-M-22992-2015

Date of decision : 22.07.2015.

Ravi Kumar and another

..... Petitioners

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Rajesh Lamba, Advocate for petitioners.
 Ms. Neelam Kashyap, DAG, Haryana.
 Mr. Saleem Ahmed, Advocate for complainant.

DARSHAN SINGH, J. (Oral)

Learned counsel for the petitioners states that he does not press the present petition on behalf of petitioner Ravi Kumar at this stage.

So, the present petition on behalf of petitioner Ravi Kumar stands dismissed as withdrawn at this stage.

Petitioner Dharampal has sought the grant of regular bail in case FIR No.744 under Sections 498-A, 406, 323, 506 and 313 of the Indian Penal Code, 1860 (here-in-after called the 'IPC').

As per the prosecution allegations, complainant Radha was subjected to cruelty on account of demand of dowry by the petitioner and their co-accused. Complainant was even given beatings, which lead to miscarriage of her pregnancy.

Learned counsel for the petitioner contends that there are general type of allegations against petitioner Dharampal and no injury on the person of Radha has been attributed to petitioner Dharampal leading to miscarriage of pregnancy. He is in custody for the last about one and half months.

The learned State counsel has opposed the plea of bail on the ground that complainant Radha was treated with cruelty for demand of dowry. She was given beatings, which led to miscarriage of her pregnancy.

The aforesaid contentions have been duly considered.

The bail application of petitioner Dharampal has been primarily dismissed on the ground that there are serious allegations against the petitioner for invoking Section 313 IPC. But on perusal of the FIR, it comes out that the allegations against petitioner Dharampal are only that he has extorted to kill the complainant. No injury on the stomach of Radha has been attributed to petitioner Dharampal, which might have led to miscarriage of her pregnancy. Petitioner Dharampal is already in custody since 16.06.2015 i.e. for the last more than one month. He is no longer required for the purpose of investigation. There is no apprehension that he will tamper with the prosecution evidence or will flee away from the trial.

Thus, keeping in view my aforesaid discussion, the present petition qua petitioner Dharampal is hereby allowed. Petitioner Dharampal is ordered to be released on bail on furnishing personal/surety bonds to the satisfaction of learned Chief Judicial Magistrate, Palwal.

22.07.2015
sunil yadav

(DARSHAN SINGH)
JUDGE