

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.33755 of 2015
Date of decision:-20.11.2015

UmikaPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Surinder Gaur, Advocate, for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No. 90 dated 12.03.2015 registered under Sections 313,201,34 IPC and Section 5(4) of Medical Termination of Pregnancy Act, 1971 at Police Station Kosli, District Rewari.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case whereas no offence is made out against the petitioner. As per allegations levelled, the FIR was registered against the petitioner and co-accused on the asking of the team of Doctors. On the basis of complaint, a raiding party was constituted and raid was conducted. The complainant took treatment only for typhoid from the hospital of the petitioner. Subsequently, she was referred to PGIMS, Rohtak and on the advise of the Doctor only, her pregnancy was terminated. Learned Counsel also submits that complainant-victim has not supported the case of the prosecution as she has specifically stated that she did not make any complaint to the police. It is also mentioned in the statement made by the victim that she was taken to PGIMS, Rohtak where she was operated and her foetus was removed. No money was demanded by the petitioner and even the factum of pregnancy was not disclosed to the petitioner. The petitioner is in custody since 18.07.2015. There are total 17 witnesses and

only 07 have been examined so far. The trial may take some time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned counsel for the respondent-State has not disputed the custody period of the petitioner as well as the statement of victim.

In view of the submissions made by learned counsel for the petitioner and also the fact that only 07 witnesses have been examined out of total 17 witnesses; the petitioner is in custody since 18.07.2015 and trial may take long time to conclude and no useful purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner is directed to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Rewari.

20.11.2015

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**(DAYA CHAUDHARY)
JUDGE**