

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

CRM-M-34336-2015 (O&M)

Date of decision : 13.10.2015

Charanjit Kaur @ Channi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vivek Goel, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by HC Sukhpal Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in case FIR No.116 dated 24.07.2013, registered under Sections 312, 313, 120-B of the Indian Penal Code and Section 5 of the Medical Termination of Pregnancy Act, 1971, at Police Station Moga City.

The learned counsel for the petitioner contends that the petitioner is a nurse, who allegedly carried out the operation upon the complainant, at the asking of her matrimonial family as the foetus was reported to be of a female. There is no positive proof of pregnancy and the clinic where the alleged termination of foetus was carried out.

Initially, eight persons were nominated as accused. The complainant has entered into compromise with the remaining accused and the FIR qua them stands quashed by this Court vide order dated 07.09.2015 (Annexure P-3).

On the other hand, the learned State counsel, though admits the factum of the compromise, but submits that the petitioner was declared a proclaimed offender and therefore, she prayed for the dismissal of the present petition. She further states that charges have been framed against the petitioner and out of 17 prosecution witnesses, none has been examined so far.

Heard.

The instant complaint is the fallout of the matrimonial dispute between the complainant and her matrimonial family with whom, she has entered into compromise. There is no positive proof with regard to the pregnancy. The petitioner is in custody since 23.06.2015. Though, the charges have been framed, but the trial is yet to commence. Therefore, it can safely be inferred that the trial is not likely to be concluded in the near future.

Therefore, considering the fact that the complainant has entered into compromise with the remaining seven accused and FIR qua them already stands acquitted and the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail

during the pendency of the trial, subject to her furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

13.10.2015

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(JITENDRA CHAUHAN)
JUDGE