

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28287-2015

Date of Decision:- 07.09.2016

Kushla Nand Bijalwan

....Petitioner

Versus

Union Territory of Chandigarh and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. B.D. Sharma, Advocate
for the petitioner.**

Mr. Amandeep S. Gill, Additional PP, for U.T., Chandigarh.

**Mr. Anil Kumar Joshi, Advocate
for respondent No.2.**

RITU BAHRI, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner, in a case arising out of FIR No.311 dated 23.07.2015, registered at Police Station Sector 39, Chandigarh, who has been booked for having committed the offences punishable under Sections 406 and 498-A IPC.

In compliance of order dated 16.03.2016 passed in connected petition bearing CRM-M-28725-2015, status report has been filed by learned State counsel, today in the Court and the same is taken on record.

Perusal of report shows that on 13.06.2015, the Investigating Officer had visited before Dr. Mangla Dogra at her Clinic and explained her

the facts that complainant had alleged that on 25.01.2014 her husband became physical violent with her due to which she fell down on the floor. Thereafter, her husband brought her to this clinic. Dr. Mangla Dogra informed that the complainant had visited the said hospital on various dates and during her visits there was no injury or history of any violence, told by her or detected by the doctor. Further, the investigation was carried out by Sub-Inspector, Mini Bhardwaj. On 11.04.2016, number of six specific questions was asked from Dr. Mangla Dogra and on a specific question No.4 whether the death of fetus was natural causes and the heart beat stopped, or there was some outside pressure on the stomach. Her answer to this question was that as per ultrasound on 20.01.2014 a non-viable pregnancy (dead fetus) and comment on the cause of fetus demise was difficult. Fetal demise was noted on 20.01.2014 whereas the termination was not performed in my clinic. Similar questions were asked from Dr. Madhu Bala of Mangla Nursing Home # 2374, Sector 23-C, Chandigarh on 22.04.2016 and her reply to the queries given by the doctor dated 25.04.2016 is Annexure R-1. Consent form dated 28.01.2014 (Annexure R-2), signed by patient Monika and her husband Ajay Dutt. After scrutinizing the reports of both the doctors, the investigating officer come to the conclusion that the fetal heart beat had stopped and on 20.01.2014 evaluation was recommended. Evacuation was performed at Mangla Nursing Home after consent was obtained from both the petitioner and respondent No.2.

After going through the contents of status report and keeping in view the fact that in compliance of order dated 12.01.2016, an amount of

before the investigating officer, the order dated 24.08.2015, passed by this Court whereby the ad-interim anticipatory bail was granted to the petitioner is made absolute. The petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions as envisaged under Section 438(2) Cr.P.C.

Accordingly, the petition stands disposed of.

September 07, 2016
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No