

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

CRM-M -15040 of 2017 (O&M)

Date of decision: 07.09.2017

Sudesh Devi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. B.D. Rana, Advocate for the petitioner(s).

Mr. A.S. Gill, Sr. DAG, Punjab
assisted by ASI Nathi Ram.

Mr. Amit Khatkar, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.31 dated 23.01.2017, registered under Sections 323, 341, 452, 313 read with Section 34 of IPC, at Police Station Zirakpur, District Mohali.

On 12.05.2017, this Court had passed the following order:-

“Learned counsel for the petitioner inter alia contends that initially, FIR No.31, dated 23.01.2017 was registered for offence under Sections 323, 341, 452 read with Section 34, Indian Penal Code (in short-'IPC') at Police Station Zirakpur, District Mohali but later offence under Section 313 IPC was added.

It is further submitted that as per medical examination of the victim conducted at Civil Hospital, Dera Bassi, SAS Nagar, one injury namely lacerated wound on scull frontal

region caused with blunt weapon was noticed and X-ray was advised. No injury on the abdomen was noticed nor complain of pain etc. was made by the alleged victim to the doctor at Civil Hospital, Dera Bassi. It is further submitted that later, the victim came to the Govt. Medical College and Hospital, Sector 32, Chandigarh and a report with regard to bleeding PV with passage of clots and fleshy mass and performance of D & C on 23.01.2017 has been prepared. It is further submitted that the petitioner is ready to join investigation and co-operate throughout.

Counsel for the State has submitted that he needs some time to seek instructions with regard to reference by the Civil Hospital, Dera Bassi, SAS Nagar to Govt. Medical College and Hospital, Sector 32, Chandigarh as no such document is available on record, as on date.

Be listed on 10.08.2017.

In the meantime, the petitioner shall join investigation within a period of 10 days. In case, she joins investigation within the stipulated period, she shall be released on interim bail by the investigating officer subject to the following conditions:-

(i) She shall join the investigation as and when required by the Investigating Officer.

(ii) She shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and

(iii) She shall not leave the limits of this country without prior permission of this Court.”

It is contended that in pursuance of the order dated 12.05.2017, the petitioner has joined the investigation.

The learned State counsel, on instructions submits that the

petitioner has joined the investigation and she is not required for custodial interrogation.

The learned counsel for the complainant has circulated the medical record of the complainant to contend that abortion of the prosecutrix had actually taken place. The medical record is taken on record as Mark 'A'.

Keeping in view the fact that no injury on the abdomen of the wife was noticed nor any complaint of pain was made and the petitioner has repeatedly joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 12.05.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

07.09.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No