

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

CRM-M-29630-2017 (O&M)

Date of decision : 28.09.2017

Suresh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikas Lochab, Advocate,
for the petitioner.

Mr. Arun Kumar, AAG, Haryana,
assisted by ASI Bijender Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking bail in case FIR No.221 dated 07.05.2017, registered under Sections 313 and 376 of the Indian Penal Code (for short, 'the IPC'), at P.S. Kharkhoda, District Sonipat.

Learned counsel contends that offence under Section 376 IPC is not made out as the petitioner and the complainant had been staying together as husband and wife during the period in question. Further states that Section 313 IPC is also not made out as the child died 3-4 days after the delivery. The petitioner is in custody since 12.05.2017.

On the other hand, learned State counsel has vehemently opposed the instant petition.

Heard.

The complainant heard in person. The record maintained by the Medical Superintendent, Rohtak, shows that the complainant was admitted in the Obstetrics and Gynecology Department. She was carrying foetus of 25+5 weeks. Due to ante partem hemorrhage, pre term vaginal delivery was conducted. As per the medical record, the complainant is shown to be the wife of the petitioner. There is specific allegation that the petitioner caused damage to the foetus, therefore, no case for grant of bail is made out, at this stage.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of the Court on the merits of the case.

28.09.2017
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(JITENDRA CHAUHAN)
JUDGE

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