

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

CRM-M-4272-2017

Date of decision: 12.9.2017

Salinder Kumar @ Rinku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.SP Soi, Advocate for the petitioner

Mr.AS Gill, Sr.DAG, Punjab
assisted by ASI Jagtar Singh

Mr.PS Ahluwalia, Advocate for the complainant

JITENDRA CHAUHAN, J.

The present second petition under Section 439 of the Code of Criminal Procedure has been filed for grant of bail to the petitioner in case First Information Report No.59 dated 24.7.2013 registered under Sections 302, 304-B, 314, 498A, 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code at Police Station Nurmahal, District Jaladhar.

Learned counsel for the petitioner contends that as per

medical record, the death of Kritika @ Bhagta, wife of the petitioner, occurred due to cardiac arrest and thus, it was a natural death, which took place beyond the period of seven years, therefore, Sections 302 and 304-B IPC are not made out against the petitioner. The deceased herself opted to get the foetus aborted. There was no injury on the body of the deceased. The petitioner is having two minor children. He is in custody since 17.8.2013. Nothing is to be recovered from him.

On the other hand, learned State counsel and learned counsel for the complainant submit that challan has been presented and five PWs have been examined. It is further submitted that during investigation, it was found that the petitioner forged the documents of the consent prepared before aborting the foetus of the complainant.

Heard.

During investigation, it was found that two of the consent forms had been forged by the petitioner and the complainant had not signed the same. After the completion of the investigation, Section 302 IPC has also been added in the case. Earlier the regular bail petition filed by the petitioner was dismissed by this Court vide order dated 17.11.2014 passed in CRM-M-41449-2013. Learned counsel for the petitioner could not point out any changed favourable circumstances after the dismissal of earlier bail petition.

Considering the gravity of offence and the fact that there are no changed favourable circumstances in favour of the petitioner, this

Court is not inclined to grant the concession of bail to the petitioner.

Dismissed.

However, anything stated hereinabove shall have no bearing on the merits of the case.

12.9.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No