

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

**CRM-M No.19538 of 2018
Decided on: 07.09.2018**

Rocky

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rao Ajender Singh, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.003 dated 04.01.2018, for offence punishable under Sections 148, 149, 323, 452 of the Indian Penal Code, 1860 (in short 'IPC') (Section 315 IPC added later) registered at Police Station Dharuhera, District Rewari.

Counsel for the petitioner has submitted that as per the allegations in the FIR, the petitioner has not caused any injury to Sheetal, daughter-in-law of the complainant, who had suffered a miscarriage. It is further submitted that, in fact, the injury is attributed to co-accused – Balraj, who is on bail.

Counsel for the petitioner has further argued that similarly situated persons namely Vivek, Pawan and another, have also been granted the concession of regular bail vide orders dated 09.03.2018

passed in CRM-M No.7648 of 2018 and dated 18.05.2018 passed in CRM-M No.19951 of 2018. It is also submitted that the petitioner is in judicial custody for the last about 07 months and he stands acquitted in 02 other FIRs.

Counsel for the State, on instructions from ASI Kishore Kumar, has submitted that as per the opinion given by the doctor, it is stated that the possibility of cause of abortion cannot be ruled out whether it was spontaneous or due to physical trauma.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial custody for the last about 07 months; he stands acquitted in 02 other FIRs; out of 15 prosecution witnesses, only 04 PWs have been examined and the conclusion of the trial is likely to take some time as the case is still at the stage of recording the prosecution evidence, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

07.09.2018
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No