

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

Crl. Misc. M-22789 of 2017 (O&M)
Date of Decision: May 01, 2018

Sukhrajbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.S. Majithia, Advocate
for the petitioner.

Mr. A.S. Sandhu, Addl. AG Punjab.

Mr. Veneet Sharma, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

1. This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.82 dated 04.06.2017, under Sections 406, 498-A, 506, 313, 323, 34 of Indian Penal Code, registered at Police Station Sadar Patti, District Tarn Taran.

2. In short, the allegations as per the FIR lodged by the complainant are that, a marriage was solemnized between the petitioner herein and the complainant on 08.01.2017 and at the time of marriage, sufficient dowry articles including gold ornaments were given to the petitioner-husband and the other in-laws. However, after some days of the marriage, the petitioner and his family members started harassing the

complainant for bringing less dowry and started demanding a big car, apart from giving beatings to the complainant. It is further alleged in the FIR that when the complainant was pregnant of 2 ½ months, the petitioner herein came on leave to the village and her sister-in-law and mother-in-law kept on poisoning his ears. It is also alleged by the complainant that her husband mother-in-law, sister-in-law and father-in-law gave beatings to her and inflicted internal injuries upon her and her husband also gave kick blows on her abdomen, because of which she fell down and became sick and her husband went for his duty. Thereafter, her in-laws gave her ordinary medicine, because of which her health started deteriorating and as such, she gave a call to her father on 02.06.2017, who took her back to her parental home and also got her admitted in Civil Hospital Patti, from where the doctor referred her to Medical College Govt. Amritsar where, she was admitted in Bibi Nanki Mother Child Care Centre, Govt. Medical College Amritsar and there the washing of the fetus in her abdomen was done. Thereafter, she was admitted for treatment in Civil Hospital Patti. It is alleged by the complainant that her in-laws kept on threatening her and in case, she informs any body about the beatings, then they will kill her.

3. After registration of the aforesaid FIR, the petitioner herein approached the Additional Sessions Judge, Tarn Taran, for grant of anticipatory bail, which came to be dismissed on 21.06.2017, which resulted in filing the instant petition for grant of anticipatory bail before this court.

4. Learned counsel appearing on behalf of the petitioner, at the very outset, seeks permission to place on record documents Annexures P-15 to P-18 by way of an application moved under Section 482 Cr.P.C.

5. Permission is granted and the documents are taken on record, subject to all just exceptions.

6. Mr. S.S. Majithia, learned counsel appearing on behalf of the petitioner herein argues that in fact, the complainant had got herself examined in Rai Hospital, Patti on 31.05.2017, where there is no reference of the fact that she was bleeding and it is only when she went to Jandiala Guru on 01.06.2017, that Jain Nursing and Maternity Home gave an opinion that there is "Missed Abortion". Learned counsel for the petitioner also relies upon telephonic conversation, to argue that the petitioner herein had asked the complainant to get herself medically examined, when he came to know that she was bleeding, however, the complainant did not get herself medically examined on that date. In fact, the father of the petitioner had already approached the SHO, Police Station Jandiala Guru, through a letter, that her daughter-in-law has forcibly been taken by her parents in hale and hearty condition and they may try to get her abortion done and it was apprehended that the family would be held responsible.

7. Per contra, learned counsel appearing on behalf of both the respondent-State as well as complainant submit that it is on account of inadequate dowry that the complainant herein suffered injuries on account of kick blows, as would be reflected from the FIR, which ultimately led to her having a miscarriage. Learned counsel for the respondent-State also submits that a detailed enquiry has been held in the matter, in which the petitioner herein has been found guilty.

8. I have heard learned counsel for the parties and have perused the paper book and the documents as cited.

9. There is no doubt about the fact that the complainant herein has suffered a missed abortion. There is also a conversation placed on the record between the complainant and the petitioner herein regarding her bleeding. However, this court cannot come to any conclusion from the reading of the transcript that the petitioner herein did not physically abuse the complainant. Mere showing concern is not enough. This court cannot ignore the fact that the complainant has suffered a miscarriage or the fact that there is an MLR showing abrasions. Besides this, in the FIR there are specific allegations levelled against the petitioner-husband herein by the complainant that he gave kick blows on her abdomen, because of which she fell down and became sick and her husband went for his duty and thereafter, she gave a call to her father on 02.06.2017, who took her back and got her admitted in Bibi Nanki Mother Child Care Centre, Govt. Medical College, Amritsar, where washing of the fetus in her abdomen was done.

10. The grant of anticipatory bail is a discretionary relief. The conduct of the petitioner and gravity of the offence committed has to be seen as well. In view of the peculiar facts and circumstances of the present case and the gravity of the allegations levelled against the petitioner herein, this court is not inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, the petition in hand is hereby dismissed, being devoid of any merits.

11. At this stage, while dismissing the instant petition by this court, a request has been made by learned counsel for the petitioner to stay the arrest of the petitioner, in order to enable him to avail his remedy in accordance with law.

12. Request is allowed and the arrest of the petitioner is stayed only for a period of 72 hours from this moment.
13. However, anything observed hereinabove shall have no affect on the merits of the case, which is only for the purpose of deciding the anticipatory bail application.

May 01, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

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