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

CRM-M No.3814 of 2018
Date of Decision: 16.02.2018

Akash and another

.....Petitioners

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vishal Malik, Advocate
for the petitioners.

Mr. M.D. Sharma, A.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioners seek grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.445 dated 29.05.2017 under Sections 148, 149, 315, 323, 506 IPC registered at Police Station Chandni Bagh, Panipat, District Panipat.
2. In the original version recorded in the FIR, the complainant has alleged that Ankit had given a kick blow in her abdomen. The complainant was pregnant at that time. The accused party also snatched an amount of Rs.25,000/- from husband of the petitioner, besides giving injuries to him. The allegation of snatching of Rs.25,000/- was not found to be true

by the Investigating Agency.

3. After discharge from the hospital, the complainant made a supplementary statement on 17.06.2017 in addition to the allegations already made in the original FIR. According to this supplementary statement, she has also alleged that Sachin also caused a kick blow in her abdomen resulting in miscarriage.

4. There is no overt act shown qua the complicity of petitioner No.1 namely Akash. Ankit was found to be juvenile and has been granted bail by the Principle Magistrate, Juvenile Justice Board.

5. At this stage, it would be debatable as to the complicity of the petitioners in terms of supplementary statement which was made after 19 days of the occurrence.

6. Learned State counsel on instructions from ASI Dharambeer submits that challan has already been presented and charges are yet to be framed.

7. The petitioners are in judicial custody since 09.11.2017.

8. In view of above, the petition is allowed. Petitioners are ordered to be released on regular bail subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court.

9. Nothing observed hereinabove shall be construed to be an opinion on the merits of the case.

16.02.2018
 jyoti

(RAJ MOHAN SINGH)
JUDGE

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