

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-18674 of 2019 (O&M)
Date of decision : December 11, 2019

Munish Kumar

....Petitioner

versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Rahul Rampal, Advocate, for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab for the State

Mr. Karanjit Singh, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Petitioner Munish Kumar has sought anticipatory bail in case FIR No. 50 dated 2.4.2019, under Sections 498-A, 406, 313, 354-A IPC, Police Station City Hoshiarpur.

The State counsel has argued that the present case was got registered by the wife of the petitioner alleging that on 18.2.2018 marriage between the complainant and the petitioner was solemnized where the family of the complainant had given costly

gifts, gold articles as Ishtridhan including cash but the accused were not happy with the same. It is claimed by the State that the next very day the accused had started demanding more dowry and on account of its insufficiency started torturing and harassing her. The husband present petitioner had been physically as well as mentally torturing the complainant and while she was pregnant had forcibly induced abortion leading to the registration of the present case.

Learned counsel for the petitioner has argued that it was a simpliciter miscarriage and therefore, offence under Section 313 IPC is not made out submitting that it was purely a mis-adjustment in a matrimonial life which has been twisted to give it a false story of harassment on account of demand of dowry.

The State has opposed the bail in the light of the heinousness of the offence.

The medical records shown to the Court reflects that the complainant was pregnant and thereafter on administration she became quick with the child. Thus a debatable issue arises over whether it was an intentional induced abortion or miscarriage which is only subject to evidence at the trial. The prima facie allegations make the case of custodial interrogation which disentitles the petitioner to any relief. Finding no merit, the present petition is

dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

December 11, 2019

(Fateh Deep Singh)
Judge

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<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>