

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-46074 of 2018

Date of Decision: January 9, 2019.

Manpreet Singh		Petitioner
	Versus	
State of Punjab		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. M.S. Sidhu, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

Mr. Saurabh Kapoor, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

CRM 39651 of 2018

Learned counsel for the applicant/petitioner has made a statement that he wishes to withdraw the present application.

Allowed to do so.

Dismissed as withdrawn.

CRM-M-46074-2018

Mr. Saurabh Kapoor puts in appearance on behalf of the complainant and files the power of attorney, which is taken on record.

This order shall dispose off anticipatory bail application under Section 438 Cr.P.C. moved in FIR No. 279 dated 28.08.2018 under Sections 498-A, 312, 315, 506 and 323 IPC Police Station Shimlapuri, Ludhiana.

The brief facts brought to the notice of the Court are that the complainant who happens to be the wife of the petitioner alleged in her statement before the police that she was married to the petitioner on 20.04.2018. Her husband often used to harass and physically abuse her on small issues and even tortured her by forcing her to have physical relations. Even during the time when the complainant was suffering from infection, she is alleged to have been forced into this relationship alleging that the husband used to have certain medicines for enhancing his vitality and as a consequence of which he demanded Rs.63,000/- from her father and on account of sexual harassment and cruelty she was taken to the hospital on 27.08.2018 and her pregnancy was aborted on the same very day.

Mr. Manvinder Singh Sidhu, learned counsel for the petitioner *inter alia* contends that a bare perusal of the FIR does not in any manner suggest that what sort of medicines were being consumed by the husband to enhance his vitality and there is no evidence to connect the abortion of the complainant with the act attributed to the husband and that nothing is to be recovered.

On behalf of the State Mr. Avtar Singh Sandhu, Additional Advocate General Punjab assisted by SI Manjit Kaur Police Station Shimlapuri, Ludhiana and Mr. Saurabh Kapoor, learned counsel for the complainant has sought to oppose the grant of bail on the ground that it was the intentional and volunteer act of the husband, which had led to this abortion and has sought to project that the complainant has the photographs of the husband with the medicines lying by his side and, thus, prayed for denying the relief on the ground that the custodial

interrogation of the petitioner is essential.

Appreciating the submissions of the two sides to the very specific query of this Court that what sort of evidence has come about as to the allegations that it was the act and conduct of the petitioner-husband what has led to the abortion or any medicines being consumed by the petitioner to enhance his vitality, the learned State counsel has shown his helplessness into the matter as to any medical opinion which has led to this abortion, thus, the very question of applicability of Sections 312 and 315 IPC is a debatable issue.

In the light of what has been detailed and discussed above, together with the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. Therefore, in the event of arrest, the petitioner be released on *interim* bail to the satisfaction of Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. Thereafter, will be released on regular bail upon presentation of challan.

Disposed off.

January 09, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No