

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-22071-2019

Date of Decision:03.07.2019

Ajay Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Jasraj Singh, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab,.

Mr. Rahul Kumar, Advocate,
for the complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.101 dated 05.04.2019 under Sections 313, 316 IPC, registered at Police Station Model Town, District Hoshiarpur.

Learned counsel for the petitioner has argued that the petitioner is in custody since 06.04.2019, whereas the FIR was registered on 05.04.2019. He states that as per contents of the FIR, no offence under Section 316 IPC is made out as there is no allegation against the petitioner that he ever gave any medicine to the complainant for causing her miscarriage. Challan in the case has been presented and the statement of the complainant recorded under Section 164 Cr.P.C. is part of the challan. The

complainant has not come forward to get her medical examination done so that the factum of even miscarriage can be established.

Learned counsel for the complainant has argued that the petitioner along with other co-accused has committed the offence as mentioned in the FIR under Sections 313, 316 IPC. The complainant could not undergo the medical examination as there was a consistent pressure from her in-laws family not to pursue the said FIR.

Heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 06.04.2019. Challan has been presented and trial in case is not likely to be concluded in the near future and the factum that the complainant herself has not opted for the medical examination despite there being repeated requests by the police, at this stage this Court finds that it is only during the course of trial, the offences are required to be established.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

July 03, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No