

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

CRM-M No.23607 of 2019
Date of decision: 29th May, 2019

Amit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Krishan M. Vohra, Advocate for the petitioner.
Mr. Amrik Narwal, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Amit in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.436 dated 16.07.2018 under Sections 323, 34, 342, 354, 354-B, 376, 506, 511, 316 IPC pertaining to Police Station Smalkha, District Panipat, have been levelled by complainant, married sister-in-law, wife of elder brother of the petitioner, alleging that on 09.07.2018 the accused petitioner had behaved in an obscene manner with the complainant and with an intention to outrage her modesty tore off her clothes and on her raising *roula*, it is alleged that the accused non-applicant Tinku dragged the complainant in to a room and gave her beatings followed by physical abuse by the father-in-law who locked the complainant as well as her sister, who was married to the other brother. It is as a consequence of this

physical abuse, the complainant who was pregnant got aborted leading to registration of the present case and arrest of the petitioner on 30.07.2018.

Learned counsel for the petitioner inter alia contends that the petitioner is behind bars since almost ten months and that there is no medical evidence to support the allegations under Section 316 IPC, arguing that it is a pure matrimonial dispute between the two sisters and two brothers who were married to each other and that a false case has been brought about.

On behalf of the State, Mr. Amrik Narwal, Dy. Advocate General, Haryana on instructions from ASI Ravinder, Police Station Smalkha, District Panipat, though does not disagree with the facts that have been brought before this Court by learned counsel for the petitioner, but has sought to stoutly oppose the grant of bail on the grounds of heinousness of the offence and seriousness of allegations and the fact that if allowed bail, the petitioner might stifle the trial.

Appreciating the arguments of the two sides, to the very specific query of the Court, learned State counsel could not bring forth any medical evidence to show that the alleged abortion was on account of any physical injury but fairly concedes that it was on account of medical complications thus, a debatable issue having arisen over the applicability of Section 316 IPC. The petitioner is behind bars since a long time. In view thereof and the fact that the trial is not likely to conclude in the near future, this Court is of the opinion that no useful purpose will be served

by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Panipat. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 29, 2019
rps

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