

227.

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

**CRM-M-43958-2019**

Date of decision: 27.11.2019

JATINDER PAL SINGH

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

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

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

Mr. Saurav Khurana, DAG, Punjab.

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**HARI PAL VERMA, J.(Oral)**

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.0056 dated 27.08.2019 registered under Sections 323, 313, 498-A of IPC at Police Station Bakhshiwala, District Patiala.

The marriage between the petitioner and the complainant was solemnized on 07.04.2013. It was the second marriage of the petitioner and he has one son from the earlier marriage. However, from the wedlock of the petitioner and the complainant, there is one daughter born to them who is about 4 years of age. The allegation against the petitioner is that the complainant was being taunted for giving birth to a girl child. On 03.08.2019 when the complainant was two months pregnant, the petitioner along with the in-laws family administered medicine which caused abortion.

Counsel for the petitioner has argued that the petitioner is in custody since 12.09.2019. It being a second marriage, the allegation of demand of dowry are totally misconceived.

Learned State counsel, on instructions from ASI Jaswinder Singh, does not dispute the custody. However, he states that there are allegations against the petitioner of having abortion on the person of the complainant. He refers to the medical certificate of Dr. Harpreet Kaur, Junior Resident, GMC/Rajindra Hospital, Patiala, wherein the doctor has certified that the complainant Amandeep Kaur was admitted in the hospital on 05.08.2019 and discharged on 07.08.2019 and the possibility of abortion cannot be ruled out as UPT+ and on P/V examination, ut. was 6 week size, antevate os was tip of finger. But USG showed no products of conception.

I have heard counsel for the parties.

The petitioner is in custody since 12.09.2019. It is second marriage of the petitioner. Therefore, possibility of exchange of dowry is quite bleak, but for the offence under Section 313 Cr.P.C., it is around 6 weeks pregnancy. The culpability of the petitioner is yet to be established. Thus, this Court deems it appropriate to admit the petitioner on bail.

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

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

**(HARI PAL VERMA)**  
**JUDGE**

27.11.2019  
sanjeev

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|----------------------------|--------|
| Whether speaking/reasoned? | Yes/No |
| Whether reportable?        | Yes/No |