

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-17159 of 2020
Date of decision:13.07.2020

Rajesh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Neeraj Yadav, Advocate
for the petitioner.

Mr. Deepak Bhardwaj, Deputy Advocate General, Haryana.

Mr. Munfaid Khan, Advocate
for the complainant.

SUVIR SEHGAL, J.

The Court has been convened through video conferencing due to Covid-19 pandemic.

The present petition has been filed under Section 438 of the Code of Criminal Procedure praying for anticipatory bail to the petitioner in FIR No.349 dated 07.06.2020 under Sections 304-B, 313 and 34 of Indian Penal Code, 1860 registered at Police Station Model Town, District Rewari, later on Sections 109 and 406 IPC were also added in the FIR (Annexure P-1).

The above mentioned FIR was registered on the complaint of Shishpal wherein he stated that his daughter Madhu, deceased, was married to Anil son of Abhay Singh on 20.02.2018. Despite having given sufficient

dowry, his daughter was not only constantly harassed by her husband, Anil and his family members but also beaten by him. His daughter was three months' pregnant when she was compelled to abort the female fetus. Anil and his family members threatened to kill his daughter and on 07.06.2020, he received information that his daughter has ended her life by jumping from the terrace. It was on the disclosure statement of the accused, Anil that the present petitioner was implicated.

Counsel for the petitioner has urged that the petitioner was not named in the FIR and he was neither known nor related to the party to the crime, rather, he was not even aware of the incident alleged in the FIR. His argument is that he has been falsely nominated as an accused on the basis of the disclosure statement which in itself is inadmissible in evidence.

On the other hand, opposing the petition, State counsel assisted by the counsel for the complainant has argued that during the course of investigation, it has transpired that the petitioner was instrumental in facilitating the abortion of the female fetus inasmuch as he had made arrangements for providing the drug for the termination of pregnancy. Reference has been made to para 4 of the status report dated 11.07.2020 which has been filed in Court today and relevant extract of the same is reproduced as under:-

“4. That the medical opinion obtained from the Board of Doctors at G.H.Rewari confirmed that the deceased had been administered drugs facilitating abortion of fetus. It further transpired that the accused Anil had approached the petitioner

herein and he had facilitated the procurement of the medical termination pills to accused Anil so as to facilitate abortion of fetus of the deceased. Although the petitioner is not related to the accused Anil Kumar, yet the investigation in the matter has revealed that the petitioner is a quack and had been in communication with accused Anil Kumar. Call detail records to this effect have been obtained. The investigations have further revealed that the petitioner was not an authorised medical practitioner who could provide drugs for medical termination of pregnancy and he colluded with some pharmaceutical vendor who facilitated the same. He had thus abetted the commission of crime punishable under Section 313 IPC. His custodial interrogation is required to ascertain about the person with whom he had colluded to procure the medical termination pills and to further obtain the documents pertaining to the qualification of the petitioner.”

I have considered the rival submissions of the parties. Counsel for the petitioner has not been able to give any explanation as to why the main accused Anil will falsely implicate the petitioner. The fact of the matter is that the deceased was pregnant and was forced to abort a female fetus. Status report reproduced above shows that during investigation, it was found that the petitioner is a quack and that he was instrumental in providing drugs from a pharmaceutical vendor for aborting the fetus. As a result, he is alleged to have abetted the commission of crime punishable

under Section 313 IPC. As such, it is apparent that his custodial interrogation is necessary to find those with whom he had colluded to procure the pills. No concession of interim bail can be extended to a person who is alleged to have played a key role in the heinous crime of female foeticide.

Petition is accordingly dismissed.

Any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

July 13, 2020
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No