

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

CRM-M-29427-2020

Date of decision: October 05, 2020

Pardeep Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Veneet Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Ms.Ishma Randhawa, Advocate
for the complainant.
(through video conferencing)

ARVIND SINGH SANGWAN, J.

This is the first petition under Section 438 Cr.P.C. for grant anticipatory bail in case bearing FIR No.34 dated 11.8.2020 under Section 498-A IPC and offence under Section 406 IPC added vided Rapat/DDR No.22 dated 21.8.2020, registered at Police Station Women Cell, Amritsar City, District Amritsar.

Counsel for the petitioner submitted that the petitioner is an educated person and in an enquiry conducted by the police officials, the allegations were found false. Counsel for the petitioner has further submitted that the mother, brother and sister-in-law have been granted the concession of anticipatory bail and the mother has even deposited Rs.05 lacs with the trial Court.

Counsel for the complainant submits that as per the allegations in the FIR, the petitioner got married to complainant Pallavi Sharma on 20.4.2018 and since the time of her marriage, the petitioner and her in-laws maltreated her on account of bringing less dowry.

Counsel for the complainant submits that the father of the complainant had spent huge amount on marriage by giving gold and diamond ornaments and other dowry articles, as detailed in the FIR. The instances of demand of money are also given in the FIR.

The petitioner used to give beatings to the complainant and she was not allowed the medical treatment. The petitioner used to abuse the complainant and forced her to seek divorce from him. Despite the conversation made by the father of the complainant, the petitioner and her in-laws did not mend their ways. It is further stated that when the complainant became pregnant, her in-laws never wanted that she should have a child. On 6.9.2019, the petitioner gave kick blows on the stomach of the complainant on the asking of her in-laws. The complainant had severe pain in her stomach but she was not taken to hospital for medical treatment and ultra sound. On her persistence, she was taken to the hospital for ultra sound on 30.9.2019 and as per the report, the child died in the womb.

Again, when she was not feeling well on 1.10.2019, she was taken to the hospital where she was told by the doctors that she is having infection in her entire body due to death of the child in the womb. With all these allegations, the present FIR has been registered.

In reply, the learned State counsel, assisted by counsel for the complainant, has opposed the prayer on the ground that the enquiry is going

on regarding commission of offence under Section 313 Cr.P.C.

The counsel appearing for the complainant has placed on record the photocopy of the statement of Doctor Monica Punj, who has treated Pallavi Sharma, in which she has stated that according to the ultra sound report, “*Retained products of conception with blood clots*’ were found, which suggests that there was a miscarriage. Counsel for the complainant further submitted that even the doctor has opined that the miscarriage could be due to external or internal causes and, therefore, the allegations of the complainant, are supported by medical record.

After hearing counsel for the parties, considering the facts that the petitioner, who is the husband of the victim/complainant, has not only maltreated the complainant but also made a demand of dowry; and gave beatings, apart kick blows in her abdomen, which resulted into abortion of child in the womb, followed by her medical treatment, therefore, the Court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, the present petition stands dismissed.

October 05, 2020
satish

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No