

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

221

CRM-M -38866-2020

Date of Decision: 15.12.2020

Deepak Kumar

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. HS Batth, Advocate and
Mr. Vaibhav Sehgal, Advocate, for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

Mr. Sunil Garg, Advocate, for the complainant

HARNARESH SINGH GILL, J. (Oral)

Case is taken up for hearing through video conferencing.

Custody certificate by way of an affidavit dated 14.12.2020
of Deputy Superintendent, Central Jail, Kapurthala, filed through e-mail,
is taken on record.

Prayer in this petition filed under Section 439 Cr.P.C., is for
grant of regular bail in case bearing FIR No.175 dated 22.09.2020,
registered under Sections 406, 498-A, 316, 323, 120-B IPC, at Police
Station Division No.1, Police Commissionerate, Jalandhar.

Learned counsel for the petitioner states that the marriage of
the petitioner was solemnized with complainant-Sonia on 09.03.2019.
Initially, in respect of a matrimonial discord, a compromise was effected
on 22.08.2020. However, the complainant has alleged that on 17.09.2020,
she had been ill-treated by the petitioner and his family members thereby
giving beatings to her, as a result of which her foetus got aborted. He
further submits that the petitioner was arrested on 28.09.2020 and he has

been in custody since then. However, it is stated that no recovery has been effected from the petitioner.

On the other hand, learned State counsel assisted by learned counsel for the complainant, has stated that there are specific allegations against the petitioner, who is husband of the complainant. It is further submitted that on account of the beatings given by the petitioner and his family members, the pregnancy of the complainant got terminated and thus, the role attributed to the petitioner does not warrant any indulgence by this Court.

I have heard learned counsel for the parties.

As noticed above, the petitioner has been in custody since 28.09.2020. Taking into consideration the custody period, his custodial interrogation is no longer required. The trial is likely to take a long time to conclude. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

15.12.2020
Aman Jain

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