

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-50729 of 2019

Date of Decision: 07.01.2020

Anil @ Leelu

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. Arun Sharma, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.288 dated 25.06.2019 under Sections 354, 506 IPC and Section 313 IPC (added later on) registered at Police Station Kurukshetra University, District Kurukshetra.

Initially, the FIR in question was registered under Sections 354, 506 IPC, however, after recording the statement of the complainant-victim offence under Section 313 IPC was added.

As per the FIR, on 24.06.2019 at about 9-00 A.M., when the victim was cleaning the drain outside her house, the petitioner, who is her neighbour, came in the street and caught her with malafide intention and

when the complainant started raising hue and cry loudly, the petitioner pushed and threw her aside. Resultantly, the victim fell on the ground. The petitioner also threatened to kill her and her family members. Since the victim was having pregnancy of 2 months, it led to her abortion.

Counsel for the petitioner has argued that it is in the background of civil litigation pending between the parties, the present FIR has been registered against the petitioner. He has further argued that there is no positive medical evidence which may conclusively support the case of the prosecution that the abortion of the victim was the result of alleged push by the petitioner. The petitioner is in custody since 01.11.2019.

Learned State counsel, on instructions from ASI Balbir Dutt, does not dispute the custody of the petitioner. However, she submits that the victim was subjected to medical examination, whereupon the doctor has not ruled out the possibility of abortion due to physical assault.

I have heard learned counsel for the parties.

In the medical conducted on the person of the victim on 24.06.2019, the doctor has opined that exact time and cause of abortion cannot be commented upon, however, the possibility of abortion due to assault cannot be ruled out. The fact as to whether the victim suffered abortion due to the assault given by the petitioner or some other assault, can only be established by examining the medical on record and the doctor concerned. Considering the fact that the petitioner is in custody since 01.11.2019 and trial in the case is not likely to be concluded in near future, this Court deems it appropriate to release the petitioner on regular bail.

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

However, it is made clear that the observation made hereinabove shall not be construed as an expression on the merits of the case.

January 07, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No