

CRM-M-20725-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRM-M-20725-2021 (O&M).
Decided on: May 28, 2021.**

Robin Saini

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Ajit Singh Lamba, Advocate,
for the petitioner.**

Mr.Deepak Manchanda, Addl. A.G., Haryana.

**Mr.Shalender Mohan, Advocate,
for the complainant.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.200 dated 23.03.2021, under Sections 498-A, 294, 313, 323, 354, 406 and 506/34 IPC, (Final report has been filed under Sections 313, 323, 406, 498-A, 506 IPC and Sections 294 and 354 IPC) registered at Police Station, Hansi City, District Hansi.

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Learned counsel for the petitioner has submitted that the present FIR which has been lodged against the petitioner by his wife is result of a concocted story put up by the complainant-wife and the petitioner and his parents have been falsely implicated in this case. He has further submitted that during investigation, the father and mother of the petitioner have been found innocent by the police. He has further submitted that the nature of allegations contained in the FIR are vague. So far as the allegation of forceful abortion of the complainant-wife is concerned, the learned counsel for the petitioner has submitted that the abortion was not by way of coercive methods. He has further submitted that report of the concerned hospital has been attached as Annexure P-4, wherein the factum of abortion has been stated but from the said report, it cannot be transpired that it was the result of some medicine administered to the complainant. He has further submitted that the petitioner is in custody since last 1 month and 22 days and in fact, the police has already investigated the entire case and the challan has also been presented on 20.4.2021. He has submitted that no recovery is to be made from the petitioner and therefore, he has prayed for the grant of regular bail to the petitioner.

On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody for the last 1 month and 22 days and it is also correct that investigation of the case is complete and challan has also been presented on 20.4.2021. However, the learned State counsel has opposed the grant of bail on the ground that the matter is serious in nature and as per allegations there are chances of forceful

abortion.

Mr. Shalender Mohan, Advocate, who has caused appearance on behalf of the complainant has also opposed the grant of regular bail to the petitioner. He has submitted that it was a case where the petitioner had demanded money for the business purposes and thereafter, he started harassing and abusing the complainant and also threatened to make forcible abortion upon the complainant and therefore, the petitioner should not be granted the concession of regular bail.

I have heard the learned counsel for the parties.

The custody period of the petitioner is not disputed. It is also not disputed that the investigation is already complete and the challan stands presented and that no recovery is to be effected from the petitioner. So far as the allegation with regard to forcible abortion is concerned, it cannot be commented as to whether the abortion was by way of forcible methods or by administering some medicine or it was by way of natural course and the same can always be decided at the time of trial. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may tamper with the evidence or may influence any witness and therefore, this Court deems it fit and appropriate to admit the petitioner on bail. Consequently, the present petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only

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for the purpose of decision of present petition.

May 28, 2021.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No