

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

(Heard through VC)

CRM-M-43903 of 2021 (O&M)
Date of Decision: October 29, 2021

Aayush

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sunny Mansingh, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.220 dated 09.09.2021, registered under Sections 498-A, 323, 506, 313, 34 of Indian Penal Code at Police Station Women NIT, Faridabad.
2. Counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case, as the allegations as set out in the FIR are not sustainable. It is contended that the petitioner never got married to the complainant and they were living in a live-in relationship. It is submitted that the complainant started demanding Rs.10 lacs from the petitioner and the petitioner never fulfilled the said illegal

demand raised by the complainant, which resulted in registration of the instant false case. It is contended that the court below did not consider the fact that the complainant did not show any document with regard to her confirmation of pregnancy from any medical practitioner. It is also argued that complainant was got injected by tetanus injection by the Aanganwari worker on 19.12.2020 and the miscarriage occurred on 18.01.2021, which worker was not authorized/qualified to administer the injection. It is also contended that the allegation made by complainant or abortion or miscarriage due to eating of tablets are false.

3. Notice of motion was issued in the matter, pursuant to which appearance has caused on behalf of the respondent-State. Reply filed by the respondent-State by way of affidavit of Mr. Safiuddin, HPS, ACP, Women Safety, Fariabad with the Registry is taken on record and a copy thereof has been supplied to the opposite counsel.

4. Counsel appearing on behalf of the respondent-State would submit that the allegations levelled against the petitioner are serious in nature, as such, prays for dismissal of the instant petition seeking anticipatory bail.

5. I have heard counsel for the parties and have gone through the pleadings of the case.

6. As per the allegations levelled in the FIR, the petitioner and the complainant got married on 26.11.2018 in a simple manner in a Mandir and thereafter, they got registered their married deed and affidavit and started residing in a rented accommodation. The complainant got admitted in hospital on 26.04.2019 to undergo operation to fulfil the wish of the

petitioner to have children from their wedlock and after operation on 29.04.2019, she was discharged from the hospital. When the complainant conceived, the petitioner started asking for abortion of the complainant. There are several incidents of beating the complainant by the petitioner have been given in the FIR.

7. Reply filed by the respondent-State is available on record. As per the reply filed by the respondent-State, after the registration of the FIR, medical record regarding operation of the complainant was obtained from Comprehensive Rural Health Services Project, Ballabgarh (AIIMS, New Delhi), Civil Hospital, Ballabgarh in which was admitted on 26.04.2019 and discharged on 29.04.2019 and the complainant was advised to try for conception from next cycle (Annexure R-2). It is stated that the complainant is shown as wife of the petitioner in the record. It is further mentioned in the reply that there is a specific entry in the registered maintained at the Anganwari that the complainant was registered at Anganwari and the date of her last menstruation period was 01.11.2020 and the miscarriage took place on 18.01.2021. Hand book of Anganwari Workers (Anneuxre P-4) relied upon by the petitioner to contend that Anganwari worker was not qualified to administer the injection to a pregnant women is not sustainable, as no such dis-qualification of Anwanwari Workers is mentioned in Annexure P-4. Statement of complainant recorded under Section 164 Cr.P.C. is available on record as Annexure R-1 in which apart from aforesaid allegations, it has been stated that she gave Rs.50,000/- to the petitioner, but he did not obtain house on lease from that amount. There are allegation that the petitioner had been

given some medicine by the petitioner and consequently, she suffered termination of pregnancy. There are serious allegations that have been levelled against the petitioner herein. Under these circumstances, once custodial interrogation of the petitioner is required for a result oriented investigation, this court is not inclined to grant anticipatory bail to the petitioner.

8. In view of the above, the instant petition is hereby dismissed.

October 29, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No