

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

(Sr. No. 212)

CRM-M No. 11334 of 2022

Date of decision : 12.07.2022

Ayush

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Gaurav Gupta, Advocate for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.220 dated 09.09.2021 registered under Sections 406, 498-A, 323, 313, 506 and 34 IPC at Women Police Station, NIT, district Faridabad.

The complainant approached the police to take action against the petitioner (her husband) for treating her with cruelty, giving her beatings, having misappropriated her *Istridhan* as also for causing abortion of her unborn child. On the basis of such complaint, the police registered the aforesaid FIR against the petitioner in which he seeks regular bail.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner has no other criminal case pending against him; the complainant is not the petitioner's wife as they were in a live-in relationship; both the petitioner and the complainant

were in a consensual relationship; the allegations of cruelty and criminal breach of trust are absolutely vague and unsubstantiated; with regard to the allegations of beatings and the petitioner having caused the complainant's miscarriage, the same are not supported by any evidence; rather, in the report dated 18.02.2022 by the Board of Doctors, it has been opined that it cannot be commented upon as to whether the complainant was in fact pregnant as on 18.01.2021 *i.e.* the date when she alleges miscarriage caused by the petitioner; the petitioner is in custody since 16.12.2021; the investigation in the case is complete and, therefore, the petitioner is not in a position to influence the same and that the petitioner's trial, which is yet to commence, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has caused the complainant's miscarriage as also treated her with cruelty and misappropriated her *Istridhan*.

Whether the petitioner and the complainant were husband and wife as also the evidentiary value of the medical opinion by the Board of Doctors dated 18.02.2022, wherein it has been opined that it cannot be commented upon as to whether the complainant was in fact pregnant on 18.01.2021 *i.e.* the date when she alleges miscarriage caused by the petitioner shall be debated during the course of the petitioner's trial. However, the petitioner is in custody since 16.12.2021; investigation in the case is complete; the petitioner is not involved in any other criminal case and that the trial of the petitioner, as and when it starts, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit

one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Faridabad the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

12.07.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No