

CRM-M-11287 of 2022

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11287-2022
Reserved on: 25.03.2022
Pronounced on: 05.04.2022

Neeraj ...Petitioner(s)

Versus

State of Haryana ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Parveen Kaushik, Advocate for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

Mr. Sandeep Yadav, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0026	06.02.2021	Salhawas, District Jhajjar	323, 316 & 506 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 17.03.2022, the petitioner was granted interim bail by this Court.
3. As per the version of the complainant party even the petitioner was hit on his head by a rod by the complainant party. To substantiate this allegation, the petitioner has annexed a copy of the FIR as Annexure P-2.
4. Be that as it may after intra uterus death of child, postmortem report was conducted as per which right lobe of liver was found lacerated and injury was found on the right side of liver of fetus.
5. Although prima facie, the petitioner being her neighbor would have noticed the Baljinder abdomen and would have come to know about her pregnancy but the question is that the incident pertains to the year 2021 and the petitioner was not even named initially at the time of filing of FIR. On 22.10.2021, the CJM insisted to appear the parents of the petitioner on filing of the challan. There is no allegation that in the meantime the petitioner has intimidated or threatened the opposite party. This Court is not adjudicating the trial or the guilt of the petitioner but is only a concerned with bail at this stage.

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6. Thus in the light of the delay, the petitioner was not initially arrested upto October 2021 whether the FIR was registered in February 2021. Further more the custodial investigation is not at all required because challan has been filed.

7. Petition is allowed and interim order dated 17.03.2022, subject to the conditions mentioned in the said order. It is clarified that in case the petitioner violates any of the condition then the State as well as complainant may file an application for cancellation of bail.

8. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

05.04.2022
anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	No.