

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(220/A)

CRM-M-22595-2022
Date of Decision: 30.08.2022

Harmesh Kaur

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Ms. Manpreet Ghuman, Advocate for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

Mr. Sanjeev Kumar, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.61 dated 30.8.2021 under sections 406, 498A, 315 IPC, registered at Police Station Women, District Patiala.

As per factual matrix, the FIR in question was lodged by complainant Gurpreet Kaur daughter of Dharamjit Singh, wherein it was alleged that marriage between son of the petitioner and complainant took place on 9.2.2020. Thereafter on account of some petty issues some matrimonial discord took place between husband and wife which culminated in registration of the present FIR.

The investigation commenced and petitioner was arrested on 14.4.2022. She approached the court of learned Addl. Sessions Judge, Patiala for grant of bail, however, after hearing the parties, the same was declined vide order dated 9.5.2022. Aggrieved by the same petitioner has

approached this court for grant of bail.

Learned counsel for the petitioner vehemently contends that the petitioner has been falsely implicated in the present case. She submits that the allegations regarding harassment caused to the complainant on account of demand of dowry are false and frivolous. She submits that the complainant was in the family way and she was regularly taken for routine check-ups by the petitioner and her son, however, false and frivolous allegations were made in the FIR only to implicate maximum members of in-laws. It is submitted that the complainant was got medically checked-up by her husband and the petitioner on 1.5.2020 and there was no complaint whatsoever regarding giving beatings to the complainant. Counsel submits that complainant left the matrimonial home and thereafter she was got admitted by her maternal uncle (Mama) in Preet Hospital. She has brought the attention of this court to the medical examination of the complainant conducted by Mata Kaushalya Devi Hospital, Patiala and as per report of the ultrasound it was opined that no foetal cardiac activity was present. Counsel submits that the observations made by doctors would show that the complication in the fetus was not on account of beatings. She submits that complainant again joined the matrimonial home and thereafter she left the same and present FIR was lodged on 30.8.2021 i.e. after more than one year of the alleged occurrence. Counsel submits that in the facts and circumstances of the case the allegations made in the FIR are totally improbable. She submits that petitioner has no criminal antecedents and she deserves to be granted the benefit of bail.

Learned counsel for the complainant has opposed the submissions made by counsel for petitioner. He submits that there are specific allegations against the petitioner and her son of beating the complainant.. It is submitted that there are allegations pertaining to harassment on account of demand of dowry as well.

On the other hand, learned State counsel submits that a Board of Doctors was constituted to seek the opinion on the alleged abortion of the complainant and vide report furnished by the Board it was opined that no external injury marks were seen on the body of the complainant and no definite opinion regarding direct relation of alleged assault on the complainant with the abortion could be given but the possibility due to trauma was not ruled out as per the medical literature. He submits that investigation in the case is complete and charges have been framed. He further submits that as per information provided to him by HC Paramjit Singh, petitioner is not involved in any other case.

I have heard learned counsel for the parties at length and have gone through the records carefully.

The crux of the dispute is that it arose from a matrimonial discord between husband and wife. The petitioner is the mother-in-law of the complainant. The alleged occurrence pertaining to the abortion had taken place in May, 2020, whereas the admission of the complainant in hospital was in June, 2020. The FIR in question has been lodged thereafter in August, 2021. The complainant was got admitted in hospital by her maternal uncle (Mama). As per report of the Board of Doctors, no definite opinion about the cause of abortion could be given. The allegations made

in the FIR against the petitioner are general in nature. There is nothing on record to show that petitioner has any criminal antecedents. The veracity of the allegations levelled against the petitioner would be assessed by the Trial Court only upon conclusion of the trial. This court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence to be led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on her furnishing bail/surety bonds subject to the satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

30.08.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No