

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(221)

CRM-M-44998-2021(O&M)

Date of Decision: 28.2.2022

Ranjit Singh Bhangu

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. I.P.S Kohli, Advocate for the petitioner.

Ms. Sakshi Bakshi, A.A.G., Punjab.

Mr. Deepak Nayyar, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in FIR No.386 dated 1.7.2021 registered under Sections 313, 406, 498-A, 120-B IPC at Police Station, Zirakpur, District SAS Nagar.

As per facts of the case, present FIR was lodged by the complainant Rupinder Kaur. The allegations in the FIR are that the marriage of the complainant took place on 8.2.2020 with the petitioner. The parents of the complainant gave sufficient dowry in the marriage, however, soon after the marriage the petitioner and his family members started maltreating the complainant on account of bringing less dowry. After some time complainant got pregnant. Thereafter, ultrasound of the petitioner was got conducted and allegedly on 19.8.2020 she was beaten by her in-laws due to which she suffered pain in her stomach and bleeding started. It is further alleged that on the same day her husband and in-laws got her admitted in Govt. Hospital, Sector 22, Chandigarh. After seeing her condition, abortion was conducted by the doctors of the said hospital. Thereafter, the present

FIR was lodged on 1.7.2021 with a request to take action against the

culprits.

The investigation commenced and the petitioner was arrested on 12.7.2021. He approached learned Addl. Sessions Judge, S.A.S Nagar, Mohali for grant of bail, however, after hearing the parties, the same was declined vide order dated 1.10.2021. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner has vehemently contended that the present FIR is nothing but an abuse of the process of law. Counsel submits that the marriage in question took place on 8.2.2020 and due to some complications bleeding started to the complainant and she was immediately rushed to the hospital, where after examination the doctors conducted abortion of the complainant. It is submitted that the allegations of harassment on account of dowry are totally false and frivolous. Counsel submits that the alleged occurrence took place on 19.8.2020 and thereafter for a week the complainant went to her parents and thereafter again joined the company of petitioner in September, 2020 in the matrimonial home. Counsel submits that in the month of December, 2020 the complainant left her matrimonial home and lodged the present FIR in the month of July, 2021. Counsel submits that from the facts and circumstances of the case, it is apparent that there is no iota of truth in the allegations made in the FIR as the same had been lodged after about 1 year of the alleged occurrence. It is submitted that in all there are 6 accused out of which 5 have already been released on bail. The investigation is complete and challan already stands presented.

Learned counsel for the complainant has opposed the submissions made by counsel for petitioner. He submits that there are

specific allegations of harassment and cruelty caused to the complainant. It is further submitted that the occurrence had taken place in the matrimonial home and petitioner being the husband cannot wriggle out of the same.

On the other hand, learned State counsel has drawn the attention of this Court to the status report. She has submitted that the medical report issued by the Govt. Hospital, Sector 22, Chandigarh has already been reproduced in the status report. It has been opined by the doctors that *“in case of incomplete and inevitable abortion with bleeding per vaginum emergency removal of products of conception and curettage has to be done to save the life of patient as the patient can go into shock with bleeding”*. It is further submitted that investigation in the case is complete, challan stands presented and the case is fixed for framing of charges.

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

Admittedly, the marriage in question took place on 8.2.2020. In all there are 6 accused out of which 5 have already been granted the benefit of bail. The allegations pertaining to abortion and harassment etc. are totally the matter of evidence which will be evaluated by the Trial Court after conclusion of the trial by appreciating the complete evidence led by the parties. The petitioner is behind bars for the last about 8 months. This Court finds that counsel for petitioner succeeds in making out a case for grant of bail to the petitioner.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to satisfaction of

Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

CRM-42100-2021

Present application has been filed seeking interim regular bail to the petitioner for a period of 10 days to attend his ailing father.

Since the main petition has been allowed and the petitioner has been granted regular bail, present application is dismissed as having been rendered infructuous.

(RAJESH BHARDWAJ)
JUDGE

28.2.2022

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