

217 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42745-2022
Date of Decision: 02.12.2022

KRISHAN ... PETITIONER
VS.
STATE OF HARYANA .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sumit Sangwan, Advocate, for the petitioner.
Mr. Karan Garg, AAG, Haryana.

VIVEK PURI, J.(ORAL)

Petitioner is seeking regular bail in the case bearing FIR No.0176 dated 29.04.2022 under Sections 313, 323 and 506 IPC registered at Police Station Pehowa (Sadar), District Kurukshetra.

Custody certificate has been placed on record.

Briefly, as per the allegations, the marriage of the petitioner was solemnized with the complainant on 01.03.2020 and a son has been born from the wedlock. The complainant was running pregnancy of 20 days. On 09.04.2022, the petitioner alongwith her parents inflicted injuries in the abdomen and other body parts of the complainant. On the same day, the father of the complainant brought her to parental house. She suffered pain in the abdomen and was admitted in the Government Hospital, Kaithal on 21.04.2022. The petitioner alongwith his parents had made an attempt to abort the fetus.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 06 months and 07 days and is involved in another case bearing FIR No. 168 of 2020 under Sections 323, 406, 498-A and 506 IPC registered at Women Police Station Kaithal. The said case has also arisen on account of matrimonial discord with the complainant and the petitioner is on bail in that case. The parents of the petitioner have been found to be innocent and challan has been presented only against the petitioner. Furthermore, the complainant was at the very initial stage of pregnancy and it becomes doubtful as to whether, miscarriage had occurred on account of any alleged injuries which were inflicted on her person.

Learned State counsel has opposed the bail application on the score that serious allegations have been levelled against the petitioner. As per the opinion of the doctor, the complainant had suffered four injuries and the abortion of the complainant could be due to injuries sustained by her.

It may be mentioned here that the petitioner is in custody for a period of 06 months and 07 days. He is involved in another case which has also arisen out of the matrimonial discord between the parties. The injuries were allegedly inflicted on 19.04.2022. The complainant had gone to her parental house and had suffered miscarriage on 22.04.2022. She was admitted in the hospital on 21.04.2022. The pregnancy was at very initial stage. It will remain a debatable and moot point as to whether the miscarriage has occurred on account of any alleged injuries inflicted upon the complainant by the petitioner. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate//Duty Magistrate.

02.12.2022
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(VIVEK PURI)
JUDGE

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