

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-4016-2023 (O&M)

Date of Decision: 29.5.2023

Parmila

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Manvender Rathi, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.326 dated 6.8.2022 registered for the offences punishable under Sections 148, 149, 315, 323, 342, 506 IPC at Police Station IMT, Rohtak, District Rohtak.

2. The allegations in nutshell are that on 3.8.2022, Kashmir Singh father-in-law of complainant-Suman had gone to irrigate his fields and at that time, an altercation took place between Kashmir Singh and Anil son of Ramesh and on return to his house, Kashmir Singh disclosed about the said incident to other family members. Then on 4.8.2022, when complainant-Suman was going to purchase sugar and she reached near the house of aforesaid Ramesh, in the meantime, the present petitioner called the complainant by taking her name. In the meantime, aforesaid Anil, Jagdish son of Deewana caught hand of the complainant and pulled her inside their

house and then Jagdish caught the complainant from shoulders while Naresh wife of Jagdish gave her *danda* blow on her head and hand. Dheela son of Ramesh also gave kick blows in her stomach and removed her gold chain and then Ani, Dheela, Ramesh, Jagdish, Naresh, petitioner and Simran @ Kali gave beatings to the complainant and Dheela also made her video and made call to the police that the complainant trespassed into their house forcibly and then the police reached the spot where the complainant disclosed the entire incident to the police and then medical examination of the complainant was conducted from which it was found that the petitioner has suffered miscarriage on account of thrashing given to her by the accused persons.

3. Counsel for the petitioner *inter alia* contends that no such incident as alleged by the petitioner had taken place and actually, the complainant trespassed into the house of the petitioner. He further submits that even otherwise, no specific injury has been attributed to the petitioner, who is having no criminal history and is in custody for the last more than 6 months and was having no intention to cause any harm to the complainant. He further submits that it will take time for the trial to conclude and as such, no purpose is going to be served by detaining the petitioner in custody for any longer period.

4. Present petition is resisted by the State counsel who submits that at the time of the occurrence, the complainant was one and a half month pregnant and the petitioner and other co-accused caused injuries in her abdomen, as a result of which, the complainant suffered miscarriage. However, the State counsel has not disputed the fact that no specific injury is attributed to the petitioner who is a lady and is in custody for the last 6

months and is having no criminal antecedents. State counsel has apprised the Court that the trial is at its initial stage.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, the petitioner who was named in the FIR is in custody for the last 6 months and the trial is at its initial stage. However, it is matter of evidence as to whether the petitioner was having any intention to cause miscarriage of the complainant. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 29, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No