

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**220****CRM-M No. 8431 of 2023****Reserved on : 18.08.2023****Date of Decision : 25.08.2023**

Narinder Singh @ Narender Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mandeep S. Bedi, Senior Advocate with
Mr. Abhishek Thakur, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

Mr. Vivek Goyal, Advocate for the complainant.

ALKA SARIN, J.

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.81 dated 22.09.2022 under Sections 376(2)(n), 506, 509 of the Indian Penal Code, 1860 (Section 313 IPC was deleted later on) registered at Women Police Station Sector 5, Panchkula, District Panchkula.

2. Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case and that the petitioner and the complainant were in a consensual relationship. Learned counsel for the petitioner would further contend that even the allegations *qua* the forcible abortion as made in the FIR were found to be incorrect and Section 313 IPC was deleted from the final report/challan. It is further the contention that though the petitioner had handed over his mobile phone and

the laptop to the police for investigation, however, the complainant herself had refused to hand over her mobile phone.

3. Status report has been filed by way of affidavit of Mr. Surender Singh, HPS, Assistant Commissioner of Police, Panchkula wherein it has been stated that the mobile phone of the petitioner was recovered and taken into possession. He has also got his laptop recovered and both his mobile phone and the laptop have been sent to the Cyber Forensic Laboratory for examination. It has further been stated in the status report that the complainant refused to submit her mobile phone. In para 8 of the status report it has been stated that during the course of investigation on 06.10.2022, a notice under Section 91 CrPC was sent to Chakraborty Nursing Home for submitting the relevant documents regarding the visit of the complainant and the opinion given by the doctor regarding abortion. In response to the notice it has been stated that on doing of USG (uterus), no evidence of pregnancy was found and there was no bleeding also and hence Section 313 IPC has been deleted. It has further been stated that the examination-in-chief and cross-examination of the complainant has since been conducted.

4. Learned counsel for the complainant has stated that serious allegations have been made in the present case and that the petitioner does not deserve the concession of bail.

5. I have heard learned counsel for the parties.

6. In the present case in the FIR there are no dates which have been given when the alleged incidents are stated to have taken place. Further, pursuant to the notice sent to Chakraborty Nursing Home under Section 91 CrPC, Section 313 IPC has also been dropped. The petitioner in

the present case had handed over his mobile phone and the laptop during the course of investigation, however, the complainant had refused to do so. There is also no medical on the record in the present case. The petitioner, as per the custody certificate, has been in custody for a period of 10 months and 22 days. Two material witnesses stand examined, however, the conclusion of trial is likely to take some time as out of 17 prosecution witnesses 15 are still left to be examined.

7. In view of the above and without commenting upon the merits of the case, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

10. Disposed off. Pending applications, if any, also stand disposed off.

25.08.2023
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO