

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.206

CRM-M-17040-2023 (O&M)

Date of decision : 11.05.2023

Mufeed

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.A Mor, Advocate, for the petitioner.

Mr. Deepak Grewal, DAG, Haryana

Mr. R.S. Hooda, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks anticipatory bail in case FIR No.86 dated 27.02.2023, registered at Police Station Sadar Tauru, District Nuh, under Sections 148, 149, 323 & 506 IPC (Section 316 IPC added later on).

According to the contents of the FIR, the petitioner and others assaulted the complainant. The petitioner gave blows on her abdomen resulting in termination of pregnancy. Some money has also been stated to be snatched.

Learned counsel for the petitioner has submitted that the medical record annexed with the reply filed by the State clarifies that the complainant did not suffer a mis-carriage. Thus, addition of Section 316 IPC in the FIR is not justified. All other injuries attributed to the petitioner are simple in nature and he deserves the concession of grant of anticipatory bail.

Learned State counsel as well as learned counsel for the complainant rely upon medical opinion annexed with the reply as Annexure R-2, according to which, loss of pregnancy due to physical assault cannot be neglected.

The medial opinion annexed as Annexure R-2 with reply of the State records that the complainant had pregnancy of six weeks and that there was history of spotting and some evidence of bleeding. Ultrasound report dated 25.02.2023 annexed with the reply and relied upon by learned counsel for the petitioner shows that there was no fetus present in the uterine cavity. This report is dated 25.02.2023, whereas, the incident is of 22.02.2023. Thus, the only possible conclusion is that the complainant mis-carried as a result of the assault. Accordingly, the submission made on behalf of the petitioner has to be rejected.

The petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

11.05.2023
Ramandeep Singh

Whether speaking / reasoned

Yes

Whether Reportable

No