

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision: 29.08.2023

1.

CRM-M-31197-2023 (O&M)

PUNEET CHAWLA

... PETITIONER

V/S**STATE OF HARYANA**

... RESPONDENT

2.

CRM-M-24151-2023 (O&M)

KOMAL CHAWLA

... PETITIONER

V/S**STATE OF HARYANA**

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Aditya Sanghi, Advocate for the petitioners.
Mr. Ranvir Singh Arya, Addl. AG Haryana.
Mr. Keshav Pratap Singh, Advocate for the complainant.
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VIVEK PURI, J. (ORAL)

1. The petitioners are seeking regular bail in case bearing FIR No. 678 dated 21.12.2022 under Sections 201, 294, 313, 323, 34, 354, 354-A, 376, 377, 406, 498-A, 506, 511 IPC, registered at Police Station Rania, District Sirsa, Haryana.

2. Custody certificates have been taken on record.

3. Learned counsel for the petitioners contend that the marriage of petitioner-Puneet Chawla was solemnized with the complainant on 18.02.2022 but no child has been born from the wedlock. The allegations against the petitioners are with regard to maltreatment and harassment meted out to the complainant. It has been alleged that the petitioners along with the co-accused had raised demand of a Fortuner car and Rs. 20 Lakhs in cash. Besides, the complainant was given beatings while she was on

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family way and it resulted in termination of the pregnancy. It has been submitted that there is no reliable evidence to indicate that the abortion was carried out on account of some injury inflicted upon the complainant by the petitioners. The abortion has been carried out in the first trimester of pregnancy and it can be for varied reasons. Moreover, the allegations against petitioner-Komal Chawla, the brother-in-law of the complainant are to the effect that he had prepared obscene video, outraged her modesty and attempted to commit rape upon her. No such video or photograph has been recovered during the course of investigation. It has been alleged by the prosecution that the mobile phone has been destroyed and the offence under Section 201 IPC has been added which is bailable. The petitioners are in custody for a period of 7-1/2 months and not involved in any other case.

4. Learned State counsel and the counsel for the complainant have opposed the bail application. It has been submitted that Komal Chawla, petitioner had intentionally destroyed the mobile phone containing the obscene pictures/video to destroy the evidence and offence under Section 201 IPC has been added. There are specific and categorical allegations to the effect that the kick blows and fist blows inflicted upon the complainant have resulted in miscarriage. The abortion has occurred on account of severe trauma which the complainant had faced at the hands of the petitioners. It has been further submitted that out of 23, none of the witnesses have been examined till date.

5. It is significant to note that the allegations with regard to miscarriage pertain to the month of April, 2022. There is nothing to indicate that the matter was reported at any Forum at that point of time. Moreover,

as per the medical opinion, the abortion could have occurred during the first trimester of pregnancy due to varied reasons. Though, physical trauma could be one of the causes for abortion but the said allegations as put forth by the prosecution are to be proved and established during the course of trial. The petitioners are in custody for a period of 7-1/2 months and not involved in any other case. Till date no witness on behalf of the prosecution has been examined. The present FIR has been registered on account of marital dispute between Puneet Chawla, petitioner and the complainant. The conclusion of trial is likely to take substantial time and no fruitful purpose would be served by detaining the petitioners in further custody.

6. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioners. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petitions are allowed.

29.08.2023

Janki

**(VIVEK PURI)
JUDGE**

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