

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

225

CRM-M-48818-2023 (O&M)

Date of Decision : 12.12.2023

PINDER SINGH @ MONTY

.... Petitioner

VERSUS

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. J.S. Dhaliwal, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, AAG Punjab.

Mr. Kshitiz Goel, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

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.125 dated 28.07.2023 under Sections 313, 498-A, 323 of the Indian Penal Code, 1860 registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. The FIR was registered on the statement of the complainant wherein she alleged that on 23.06.2023 at about 11:00 pm she was present at her house where her husband (the petitioner herein) came in a drunken state and started beating her. Meanwhile, her mother-in-law, namely, Jaswinder Kaur, came at the spot and caught her with her hair. She fell on the ground and her husband and mother-in-law kicked and punched her in the stomach. When she started shouting, her mother-in-law took her daughter and left her and her husband kept beating her. It is further the allegation that she was

pregnant and immediately, thereafter, she started experiencing pain in the stomach. Her mother, namely, Balvir Kaur arranged a vehicle and got her admitted at Civil Hospital, Sri Muktsar Sahib. The Doctors referred her to Guru Gobind Singh Medical College, Faridkot. On the basis of the said statement, the present FIR was registered.

3. Learned counsel for the petitioner would contend that as per the opinion of the Doctor the cause of abortion could not be ascertained. Learned counsel would further contend that the mother-in-law of the complainant, namely, Jaswinder Kaur, has since been granted the concession of anticipatory bail by this Court vide order dated 15.09.2023 passed in CRM-M-42751-2023 titled as Jaswinder Kaur vs State of Punjab, which was made absolute vide order dated 11.12.2023. Learned counsel would further contend that though the history given at the time of the medical examination was that the complainant was hit by a rod on the back and leg, however, in the FIR the allegation is that she was hit in the stomach by the mother-in-law. It is further the contention of the learned counsel for the petitioner that the petitioner has been in custody for a period of 4 months and 13 days and that he has absolutely clean antecedents.

4. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 4 months and 13 days. There is no other case pending against the petitioner. Learned counsel for the State is not in a position to deny the fact that as per the medical opinion the cause of abortion could not be ascertained.

5. Heard.

6. In the present case the petitioner has been in custody for a period of 4 months and 13 days. The petitioner has absolutely clean antecedents. The injuries received by the complainant were simple in nature. The medical opinion given by the Doctor concerned was that the cause of abortion could not be ascertained. Co-accused, namely, Jaswinder Kaur (mother-in-law of the complainant) has since been granted the concession of anticipatory bail by this Court vide order dated 15.09.2023, which was further made absolute vide order dated 11.12.2023. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

7. In view of the above and without commenting upon the merits of the case, this Court deems 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 Trial Court/Additional Sessions Judge (Duty) 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.

12.12.2023

Aman Jain

(ALKA SARIN)

JUDGE

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