

285

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

CRM-M-53179-2022

Date of Decision:- 06.02.2023

SANDEEP

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ravi Kamal Gupta, Advocate
for the petitioner.

Ms. Ambika Sood, Additional A.G. Haryana.

AMARJOT BHATTI, J. (Oral)

The petitioner – Sandeep has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 134, dated 07.07.2022 under Sections 307, 313, 323, 325, 498-A IPC, registered at Police Station Jui Kalan, Bhiwani.

The facts of the case are that the complainant – Mehak gave her statement to the police that she got married with Sandeep about one and a half years ago. Her parents were poor and they did not give dowry. She was kept well in the house for 3 months and thereafter, her mother-in-law Rajpati and her husband Sandeep started taunting her for not bringing dowry. She was given beatings and was told that she was paying for the mistake of getting married. She was doing household work. Rishab, relative of her husband used to reside in their house for the most of the time. On 05.07.2022, it was her husband's birthday. She told her husband

that Rishab should not come to attend the birthday party but even then he was called. On 06.07.2022, she went to her in-laws place in Devsar. At about 08:30 P.M, there was no electricity in the house. Their cots were arranged on the third floor. Rishab was also called. On her query, Sandeep slapped her twice but thereafter, he started feeling sorry. He told her to go to the fourth floor to get fresh air. She did not want to go there as the doctor had advised her not to climb stairs. Her husband prepared two videos and at the time of preparing third video, she was told to stand facing towards the wall. On this, her husband pushed her and she fell from the rooftop. She became unconscious and was taken to the hospital. She had suffered injuries. With these allegations, present case has been registered.

Learned counsel for the petitioner argued that he is falsely implicated in this case. Till the date of incident, they were staying together. A false case has been registered at the instance of maternal uncle of the complainant. There is no fourth floor in the said house. The photograph of the said house is Annexure P-2. In fact, it was their love marriage and no dowry was demanded. Even earlier, the complainant had suffered miscarriage. There is nothing to show that she suffered miscarriage due to a fall. He has relied upon the extract opinion of Gynecologist Annexure P-4 as well as opinion of doctor PGIMS Rohtak Annexure P-5. His regular bail application was wrongly declined by the learned Additional Sessions Judge. He is behind the bars since long. It is prayed that his regular bail application may be allowed.

The bail is opposed by learned counsel representing the State. Detailed status report has been placed on record, according to which, the opinion of the doctor PGIMS Rohtak was obtained. It was specifically

opined that all the injuries mentioned in the MLR collectively can be dangerous to life. There is further opinion that the possibility of missed abortion due to fall from height cannot be ruled out. The offence under Section 313 and 307 of IPC were added accordingly. The charge has been framed on 15.12.2022 and the prosecution evidence is yet to start. It is argued that the allegations are serious. Therefore, he is not entitled to be released on bail.

I have considered the arguments and have gone through the record carefully. As per the custody certificate, the petitioner is in custody from 20.07.2022 till date. In the case in hand, challan is already presented and the charge-sheet has been framed. The case is fixed for prosecution evidence. As per the facts of the case, the complainant alleged that she was pushed from the rooftop by her husband. Due to fall, she suffered injuries and it is also claimed that she suffered miscarriage due to fall from the height. The allegations are serious in nature. The statement of complainant is yet to be recorded. Therefore, considering the gravity of offence, I do not find a fit case for grant of regular bail to the petitioner – Sandeep and the same is, accordingly, declined.

My above observations are only for the disposal of the present bail application.

06.02.2023

*lalit***(AMARJOT BHATTI)
JUDGE**

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