

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

284

CRM-M-53635-2023 (O&M)

Date of decision: 20.12.2023

Gyan Chand

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Mansur Ali, Advocate and
Mr. Imran Ahmad Ali, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 249 dated 16.06.2023, registered under Sections 313, 323, 34, 506, 354-A of the IPC (Section 354-A IPC was deleted and Section 498-A IPC was added later on) at Police Station Gadpuri, District Pawal.

3. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by complainant 'D' (*name withheld*) on 16.06.2023 alleging therein that she was married to accused Deepak on 17.04.2019. Her husband was having relationship with some other female since long and when she came to know about this fact, she had resisted.

Neutral Citation No. 2023:PHHC: 163568

However, she was extended beatings by the petitioner, who is her father-in-law, her mother-in-law as well as her husband on daily basis. She alleged that the petitioner had an evil eye upon her and used to say that he was available to her as her husband would not come near her. Previously, she had filed a complaint at Police Station Gadpuri on 23.05.2023 and now she had been staying at her maternal house and was pregnant. She alleged that on 15.06.2023, she along with some police officials had gone to her matrimonial house to get her documents and with intention of settling down there. However, the petitioner told her to go away and otherwise threatened to kill her and the child in her womb. Netrapal, uncle of the complainant's husband, has snatched her phone and then the petitioner, her husband and mother-in-law opened an attack upon her. Her husband punched her abdomen. She was given kicks. Her mother-in-law tried to strangulate her. She sustained injuries in her abdomen and had a miscarriage. She had been taken to hospital and was treated there. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 21.09.2023. Husband of the complainant was also arrested. Investigation has since been completed and *challan* under Section 173 Cr.P.C. has been presented in Court. He had moved an application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 11.10.2023.

4. It is argued by learned counsel for the petitioner that the petitioner has falsely been implicated in this case. He is in custody for the last about three months. He had moved an application for grant of regular bail before the trial Court, which has been dismissed. The trial is likely to take some time. His further incarceration would not serve any useful purpose.

Neutral Citation No. 2023:PHHC: 163568

There are omnibus and general allegations against the petitioner. Hence, it is prayed that the present petition deserves to be allowed.

5. Status report has been filed by the respondent-State. Copy of the medical report has also been annexed with the same, which suggests that the complainant had suffered an abortion on 16.06.2023 and the possibility of this abortion due to physical assault or due to pill intake cannot be ruled out. He has argued that there are serious allegations against the petitioner. He, in furtherance of common intention with co-accused, had caused miscarriage of the complainant and had subjected her to cruelty on account of demand of dowry. There is nothing on record to show that there would be any undue delay in conclusion of trial. Hence, it is urged that the present petition is liable to be dismissed.

6. I have heard learned counsel for the parties and have also gone through the material placed on record very carefully.

7. The petitioner, who is a senior citizen, is in custody since 21.09.2023. No specific overt act has been attributed to him in causing miscarriage of the complainant. The trial is likely to take some time. No useful purpose would be served by keeping him in custody anymore. Keeping in view the nature of subject offences and the period spent by him in custody and attendant facts and circumstances of the case, I am of the considered opinion that the petitioner deserves to be given benefit of regular bail.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Neutral Citation No. 2023:PHHC: 163568

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

20.12.2023

Waseem Ansari

(MANISHA BATRA)
JUDGE

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