

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

CRM-M-54402-2023
Date of decision: 06.11.2023

AMARJIT		...PETITIONER
	VERSUS	
STATE OF HARYANA		...RESPONDENT

CORAM: HON’BLE MR. JUSTICE VIVEK PURI

Present: Mr G.C.Shahpuri, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

VIVEK PURI,J. (ORAL)

1. Custody certificate of the petitioner has been placed on record.
2. Ms. Melly Tarunuma Tagore, Advocate has put in appearance on behalf of the complainant and filed Vakalatnama, which is taken on record.
3. Amarjit-petitioner is seeking regular bail in the case bearing FIR No.53 dated 11.06.2023 under Sections 313/323/406/498-A/506 IPC, registered at Women Police Station, District Kaithal.
4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 25.07.2022. It was second marriage of both the parties. The petitioner as well as complainant were having a daughter from the earlier marriage. The allegations are to the effect that the petitioner had inflicted blow on the abdomen of the complainant while she was running one and a half months of pregnancy which resulted in miscarriage. The investigation of the case is complete and challan has been presented in the Court. The complainant had refused to get treatment/opinion from higher Centre and furthermore, she was diagnosed as a case of incomplete/threatened abortion.

Learned State counsel and the counsel for the complainant have opposed

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the bail application on the score that there is a categoric opinion of the doctor to the effect that the possibility of abortion due to injury over abdomen cannot be ruled out.

6. It is significant to note that the FIR has been registered on account of marital discord between the petitioner and the complainant. The complainant was running second month of pregnancy when the alleged abortion took place. It will be debatable and moot point as to whether the pregnancy was terminated due to any act attributed to the petitioner. The investigation of the case is complete and challan has been presented in the Court. The petitioner is in custody for a period of 02 months and 13 days and not involved in any other case. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

7. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. The petition is allowed accordingly.

06.11.2023
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(VIVEK PURI)
JUDGE

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