

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

217

CRM-M-288-2024

Date of decision: 11.01.2024

Gurpreet Singh

...Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ashit Malik, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG Haryana.

SUMEET GOEL, J.

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.536 dated 31.07.2023, registered for the offences punishable under Sections 323, 313, 498-A, 406 & 120-B IPC at Police Station Sadar Thanesar, District Kurukshetra.

2. The case set up in the FIR in question is as follows:-

“Copy of complaint is as follows:- Statement of Suman wife of Gurpreet, resident of Bazidpur, Police Station Sadar Thanesar, aged 26 years. Stated that I am a housewife and a resident of the above mentioned address. On 28.7.2023 at about 5.30 AM my husband Gurpreet Singh beat me, dragged me from the cot and asked me to leave the house as he did not want me to live with him. He also told this for his child who was in my womb. I was then 3-1/4 months pregnant when he had beaten me and I had become unwell. Thereafter my husband went to his LIC office, Kurukshetra. When I told my father-in-law that I was not feeling well then he had also started abusing me. He said I was faking illness since I did not want to work otherwise I was quite well. When my condition deteriorated, my father-in-law Pirthi called his son Gurpreet Singh from someone's phone and asked him to come home. He came home after 2 o'clock. My husband again started taunting me that I have been doing this daily. After

some time my husband took me to the shop of 'Maniyar' at Pipli where there was no doctor and treatment was not possible. I got unwell. There were men and women at the 'Maniyar' shop where they examined me. That woman gave one injection to me. After 10/15 minutes thereafter I felt pain in my stomach as if a baby is being born. My condition further deteriorated. I started bleeding and got unconscious. I regained consciousness after two hours when I came to know that there was a miscarriage. The miscarriage had happened only because of negligence of my husband. Had my husband intended to save my child he would have got me treated at a good hospital. When I had regained consciousness in the shop I saw that my in-laws was present there which included my husband, Reena, Kaki and her husband Sunil. Thereafter my paternal family was also called. My father Amrik Singh took me to CHC Mathana for treatment. My in-laws went to their house and also took with them my treatment record. Thereafter from CHC Mathana I was referred to Govt. Hospital where I am under treatment. My ninand Reena, Kaki wife of Sunil and Sunil have been torturing me mentally. I have got my statement recorded in the presence of my father Amrik Singh, have read and heard the same which is correct."

3. Learned counsel for the petitioner has argued that the FIR in question has been lodged primarily on account of the matrimonial discord between the petitioner-Gurpreet Singh and the complainant-Suman (who is none else but the wife of the petitioner); the miscarriage took place on account of complainant having fallen down and the complainant-Suman (when examined as PW-1) has not supported the prosecution version. Thus, no useful purpose would be served by keeping the petitioner behind the bars.
4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.
5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner is in custody since 04.09.2023; challan was presented on 16.10.2023 wherein total of 27 prosecution witnesses have been cited and the trial is underway. The submission made by the petitioner that the complainant-Suman has not supported the prosecution version will be evaluated during the course of trial by the concerned Court. No tangible material has been brought before this Court to indicate likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. Hence, in my considered opinion of this Court, further detention of the petitioner is not warranted.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 11, 2024
Ajay

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