

210 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1321-2024 (O&M)
Date of Decision: 01.02.2024

AZIM ALIAS MOHD. AZEEM ... PETITIONER

VS.

STATE OF HARYANA .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Sarfaraj Anjum Mor, Advocate
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana,
for the respondent-State.

Mr. Saleem Ahmed, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.234 dated 07.07.2023, under Sections 147, 148, 323, 316, 506 of the Indian Penal Code, 1860 registered at Police Station, Punhana, District Nuh.

2. Above FIR was got registered on the statement of complainant-Aakil with the allegations that on 03.07.2023, when his younger brother-Rashid gone to drop his pregnant sister-Shehnaz at her matrimonial house, petitioner along with other co-accused had bruently beaten her and due to beatings, she became fainted and got suffered injuries in her stomach.

Thereafter, after removing all her jewellery, they dropped his sister near

CRM-M-1321-2024 (O&M)

village Tundalka. On account of grievous injuries, she got admitted in hospital, where she lost her five months foetus.

3. Contends that petitioner alongwith his entire family has been falsely implicated in the present case on account of matrimonial discord between the parties. Also contends that from bare reading of the FIR, no offence is made out against the petitioner; hence, he deserves the concession of pre-arrest bail.

4. *Per contra*, learned State counsel, while making reference to the medical reports (Annexures R-1 to R-4), submitted that victim suffered abortion of five months fetus due to trauma resulting from the injuries caused by the petitioner; hence, his custodial interrogation is required to go to the root of matter.

5. Learned counsel for the complainant also, while supporting the prosecution case, submitted that petitioner has committed a heinous offence; hence, does not deserve the concession of pre-arrest bail.

6. Heard both sides and perused the paper book.

7. It is not in dispute that petitioner has been specifically named in the FIR and bare perusal of the same reveals that there are specific allegations levelled against him. Apart that, medical records (*supra*) *inter alia* reveal as under:-

- “1. Heartbeat appears at age of 12 to 16 weeks approx.
2. Yes, the baby may expel due to any injury in abdomen.
3. Yes, the death is possible even in absence of external injury.
4. The baby may expel due to pills.”

8. In view of the above, *prima facie* it is discernible that there are serious allegations against the petitioner, attracting Section 316 IPC.

- 9. In such a scenario, there is no option except to dismiss the present petition.
- 10. Ordered accordingly.
- 11. However, it is clarified that the above observations may not be construed as an expression of opinion on merits of the case.
- 12. Pending application(s), if any, shall also stand disposed off.

01.02.2024
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No