

CRM-M-17270-2024
Date of decision: 08.04.2024

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Naveen Kundu, Advocate
for the complainant (through V.C.).

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking pre arrest bail in case bearing FIR No.0471 dated 08.12.2023 under Sections 313/406/498/498-A/506 of IPC (Sections 323/34 of IPC added later on) registered at Police Station Matlauda, District Panipat (Annexure P-1).

The FIR was lodged on the allegations that the marriage between the complainant and the petitioner was solemnized on 18.07.2021 according to Hindu rites and ceremonies and the father of the complainant has given dowry beyond his capacity . On the demand of the in-laws of the complainant, gold and silver jewellery was also given to them and on demand of the husband (petitioner) of the complainant, Creta car of his choice was also given in dowry. Father-in-law of the complainant demanded for cash and father of the complainant has fulfilled his demand of Rs.11 lacs and other household items

were also given. It is further alleged that after some days of the marriage, behaviour of the in-laws of the complainant was bad towards her including verbal taunts and physical abuse. The complainant has informed her family members about the situation, on account of which, her parents visited her matrimonial house to talk with them but her in-laws misbehaved with them and threatened them that they will implicate them in a false case. Thereafter, in-laws of the complainant started harassing her for bringing more dowry and given beatings to her. Thereafter, the complainant moved a complaint in Police Station Matlauda in which police has called both the families and her in-laws felt sorry in the panchayat and took oath to not commit any wrong again. After one month, they again started beating the complainant when she was pregnant and started hitting her on her stomach and the complainant with the help of her family members went to Prabhakar Hospital, Panipat, for check up and it has come to their knowledge that her child was dead, and thus, the present case has been registered.

Learned counsel for the petitioner *inter alia* contends that as far as the offence under Section 313 of IPC is concerned, the facts of the case do not indicate the occurrence of such offence and there is no medical evidence to corroborate the allegation of the complainant receiving a kick blow. Moreover, the alleged beatings took place on 04.12.2023 and the foetus was taken out on 07.12.2023 and it is commonly known that if the slain fetus is not promptly removed, it can result in infections to the woman, posing a fatal risk to the mother.

Learned counsel for the respondent opposes the grant of anticipatory bail to the petitioner on the ground that when the complainant was

at the advanced stage of her pregnancy, she was subjected to beatings and domestic violence and her unborn child expired and miscarriage of the complainant was caused. He further submits that till the date of beatings on 04.12.2023, all the reports of the complainant were normal and there was no anomaly in the unborn child. Further, the ultra sound of the victim and opinion of the broad of doctors was obtained and post mortem of the dead child was also performed. He further submits that there are serious allegations against the petitioner and he is not entitled to the relief of anticipatory bail.

The learned State counsel submits that the investigation is at the nascent stage and custodial interrogation of the petitioner is imperative.

Having heard learned counsel for the parties and after perusing the records of the case, without commenting on the merit of the case, this Court finds no ground for grant anticipatory bail to the petitioner keeping in view the facts and circumstances of the case and, thus, the present petition stands dismissed.

(HARPREET SINGH BRAR)
JUDGE

08.04.2024
Neha

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