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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.52139 of 2024
Date of Decision: 29.11.2024

Mohd. Rahis @ Adrish ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Shubham Chandel, Advocate,
for the petitioner.

Mr. Satjot Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
48	03.05.2024	City-I Malerkotla, District Malerkotla	315, 323, 325 and 452 of IPC

2. Adumbrated facts as emanating from the record are that the aforementioned FIR had been registered on the basis of complaint lodged by the complainant Salma Sultan alleging therein that she was pregnant and had come to meet her parents. On 06.10.2023 at about 6-7 PM, the petitioner along with co-accused Mohd. Kasif scaled over the wall of the house of parents of the complainant and after criminally trespassing

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therein and opened the main gate of the house thereby letting 12-13 unknown persons and the co-accused enter therein. The petitioner and co-accused Kasi then opened an attack upon her family members and herself. All of them extended beatings to her father and herself. They also gave fist blows on her abdomen. She was kicked. She had started bleeding and was rushed to hospital. A still born child was delivered by her during the course of her treatment. She was discharged after a gap of 4-5 days. Her statement had been recorded by the police but no action had been taken. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 03.05.2024. Investigation qua him stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of 7 months in lodging of the FIR which has been utilized by the complainant in concocting a false story. The trial has commenced and is likely to take time as co-accused are yet to be arrested. No specific role has been attributed to him. There are only general allegations against all the persons nominated as accused. The police had even entered a rapat roznamcha No.29 dated 09.10.2023 to the effect that no offence was made out on the basis of statement given by the complainant. His further detention would not serve any purpose. He has a permanent abode. There are no chances of his absconding. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the allegations against the petitioner are serious and specific in nature. He along with the

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co-accused had criminally trespassed into the house of the complainant and had assaulted the complainant and her father. The acts done by the petitioner and the co-accused had caused death of the child in the womb of the complainant. There are chances of petitioner's intimidating the witnesses or absconding if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. The petitioner along with the co-accused is alleged to have criminally trespassed into the house of the parents of the complainant on the evening of 06.10.2023 and is further alleged to have assaulted the complainant thereby causing death of the foetus in her womb besides causing simple as well as grievous injuries to her father and herself. The incident had been reported to the police on 16.11.2023 and FIR was registered on 03.05.2024. There is delay of one month and ten days in reporting the matter to the police.

7. As per the medico legal report, the complainant had been taken to the hospital on 06.10.2023 and the medical opinion shows that there was instantaneous expulsion of foetus in the womb of the complainant. From the status report filed by the respondent-State, it is revealed that the police had been informed in time and on the very next day i.e. 07.10.2023 an application for seeking opinion of doctor had been filed. A rapat roznamcha was entered on 09.10.2023 and FIR was registered after conducting inquiry into the matter. The allegations against the petitioner are serious in nature.

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The complainant is yet to be examined. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, this Court is of the opinion that the petitioner does not deserve to be released on bail at this stage. Hence, the petition is dismissed.

29.11.2024
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(MANISHA BATRA)
JUDGE

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