

CRM-M-56303-2024 (O&M)

225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:151174



CRM-M-56303-2024 (O&M)
DATE OF DECISION : 19.11.2024

DEEPAK KUMAR ... PETITIONER
V/S
STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Kunal Muthreja, Advocate with
Mr. Vineet Gupta, Amarjeet Sharma, Hardik Sharma,
Advocates for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of regular bail to the petitioner in case bearing FIR No. 670 dated 30.07.2024 registered under Sections 115(2), 79, 3(5) (89 added later) of BNS 2023 at Police Station Palla, Faridabad.
2. As per the custody certificate, the petitioner has undergone 03 months and 05 days of actual custody.
3. I have heard learned counsel for the parties and have also gone through the paper-book.
4. As per the allegations against the petitioner, on 28.07.2024 an altercation took place *inter se* the petitioner and the prosecutrix regarding drainage of water. Petitioner is alleged to have given a stone blow to the prosecutrix which hit her stomach resulting in her abortion as she was

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carrying a fetus of 40 days of age.

5. Learned State counsel has informed that the investigation is complete and the final report ('challan') under Section 173 Cr.P.C. has already been presented before the trial Court. As per the medico-legal report (Annexure P-3), there was complaint of pain in abdomen with no external injury marks. Though as per the medical opinion, (Annexure P-3) 'colly', no external injury mark was seen. However, possibility of abortion due to the injuries mentioned in the medico-legal report cannot be 100% ruled out but it is also mentioned that possibility of abortion due to injury mentioned in the medico-legal report is very remote or negligible.

6. The conclusion of the trial is going to take time. No intention has been attributed to the petitioner. Knowledge has also not been attributed that he was aware about the pregnancy of the prosecutrix. Therefore, without commenting anything on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

19.11.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No