



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-347-2025

Reserved on: 28th March, 2025

Pronounced on: 9th April 2025

Amit Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Rahul Keshar, Advocate and
Mr. Raghav Gulati, Advocate for the petitioner.
Ms. Sheenu Sura, Deputy Advocate General, Haryana.
Mr. Hardeep Saini, Advocate and
Mr. Ravinder Rana, Advocate for the complainant.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 242 dated 03.06.2024 registered under Sections 304, 314, 120-B and 201 of IPC and Section 5 of MTP and Section 15(3) of IMC Act at Police Station Palam Vihar, District Gurugram.

2. As per the prosecution case, on 03.06.2024, on receipt of intimation about the dead body of one Ritu lying in the mortuary of Civil Hospital, Gurugram after her death in Jannat Hospital, Gurugram, 01.06.2024, a police party reached there. The complainant Anita mother of the victim-Ritu was found present there, who recorded her statement that on 01.06.2024, her daughter Ritu i.e. victim had left home along with her cousin brother Shivam for the purpose of going to a hospital at Gurugram, as



she was complaining of having back pain. Shivam had left her at Palam Vihar on her asking. The victim called the complainant after some time saying that her MRI was to be done as advised by the doctor and she was getting herself admitted in the hospital, wherein she previously used to work as a nurse. The complainant further alleged that on making a call to her daughter in the evening, she did not respond. Then the complainant made a call to the present petitioner, who previously used to reside in her house as a tenant, to know about well being of her daughter. The petitioner responded by saying that he had contacted Ritu and she was fine. The complainant insisted him to let her talk with her daughter but the petitioner represented to her that she was with her friend and did not disclose about her whereabouts to the complainant. Thereafter, he switched off his phone. On 02.06.2024, she came to know that Ritu had died in Jannat Hospital, Gurugram during the course of her treatment. She raised suspicion that her daughter had been killed by the petitioner.

3. After registration of FIR, investigation proceedings were initiated. Post mortem examination of the dead body of the victim was conducted. The accused Manjit Singh, who was driver of the petitioner and who had got the victim admitted in the hospital, was joined into investigation on 07.06.2024 and was arrested. Dr. Shahid Ali Kureshi was also arrested. They suffered disclosure statements which revealed that the victim was pregnant and for getting her pregnancy terminated, she was admitted in Jannat hospital on 01.06.2024. The accused Shahid Ali Kureshi had performed procedure for terminating her pregnancy. Her uterus had been ruptured causing heavy bleeding and her death was occurred due to that



reason. It was also disclosed that the petitioner had paid a sum of Rs. 35,000/- to the accused Shahid Ali Kureshi for terminating the pregnancy of the victim. The petitioner was arrested on 20.06.2024. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The deceased was working as a nurse in Park Hospital, Gurugram just two months prior to the incident. There is nothing on record to suggest that he was having physical relations with the victim and she was impregnated by him. Infact, the allegations in the FIR themselves revealed that the victim had left her home by representing that she was going to a hospital in Gurugram for taking treatment for her back pain and even on the later part of the fateful day, had told her mother that she had going to get herself admitted for some treatment for extracting liquid from her spinal cord and would not be able to contact her. It was only on the asking of the complainant that the petitioner had deputed his driver Manjit Singh to know about the whereabouts of the victim since, she had responded to his call only once. It was accused Shahid Ali Kureshi, who had performed surgery for termination of her pregnancy. As per the post-mortem report, the cause of death was rupturing of uterus, which was done in clinical supervision. The allegations do not even *prima facie* show that the petitioner had any intent to cause miscarriage of the victim or he himself had done any such overt act which resulted in her death. The ingredients for commission of offence punishable under Section 314 of IPC are not at all attracted against him.

5. It is further argued by learned counsel for the petitioner that



there is no material on record to prove that the petitioner had caused or conspired to cause the death of the victim. He is in custody since long. Trial is likely to take considerable time. His further incarceration would not serve any useful purpose. He has a permanent abode. There are no chances of his absconding or intimidating the witnesses. With these broad submissions, it is urged that the petitioner deserves to be released on bail.

6. Status report has been filed by respondent-State. It is argued by learned Deputy Advocate General, Haryana that there are serious allegations against the petitioner. He was having physical relations with the victim, who had become pregnant. For getting her pregnancy terminated, the victim had been sent to Jannat Hospital for abortion of the child in her womb. His driver i.e. co-accused Manjit by representing himself to be father of the victim had got her admitted in the hospital. A sum of Rs. 35,000/- was transferred by the petitioner in the bank account of accused Shahid Ali Kureshi, who had to terminate her pregnancy. The accused Shahid Ali Kureshi was not a qualified person to terminate the pregnancy of the victim, as he was simply a BAMS. Due to his lackadaisical treatment, the uterus of victim had ruptured leading to excess bleeding and ultimately resulting in her death. The death of the victim was caused by an act done with the intent to cause miscarriage. The complicity of the petitioner in the subject crime is *prima facie* established. Accordingly, it is urged that the petition does not deserve to be allowed.

7. Rival contentions raised by both sides have been considered.

8. The allegations against the petitioner are that he was having physical relations with the victim which led to her pregnancy. He had



prevailed upon the victim to get her pregnancy terminated and for that purpose, she had been admitted in hospital of the accused Shahid Ali Kureshi on 01.06.2024. While performing the procedure for termination of pregnancy of the victim, there was rupture of her uterus leading to excess bleeding and then her death. It is a debatable question, as to whether, the offence under Section 314 of IPC was committed by the petitioner or by the co-accused Shahid Ali Kureshi, who did same act with intent to cause the miscarriage of the victim resulting into her death. Further, it is only on the basis of evidence to be adduced at the trial and thorough assessment thereof that any inference as to commission of offence of culpable homicide not amounting to murder of the victim by the petitioner can be drawn. The petitioner is in custody since 20.06.2024. Trial would obviously take time, since none of the prosecution witness has been examined so far. The case is based on circumstantial evidence. In view the facts as enumerated above, but without meaning to make any comment on the merits of the case lest they prejudice the trial, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

9th April, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No