

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-50796 of 2018 (O&M)
Date of decision : May 31, 2019

Gogi Rani

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Abhishek Singh, Advocate, for the petitioner
Mr. Baljinder Virk, DAG, Haryana for the State with
ASI Sanjay Singh, PS Sadaura, District Yamuna Nagar

Fateh Deep Singh, J. (Oral)

The allegations in this regular bail application under Section 439 Cr.P.C. of accused-petitioner Gogi Rani are that on 12.9.2018, a decoy woman patient who was pregnant was sent for abortion purposes and on the asking of the accused who demanded Rs 12,000/-, Rs 4000/- was paid as advance and balance was to be paid on next day. In pursuance of this settlement, it is alleged that the petitioner gave one tablet to the lady patient to consume and another tablet was placed in her vagina to facilitate abortion. It is at

this juncture the petitioner was arrested and the present case was got registered.

Mr. Abhishek Singh, learned counsel for the petitioner contends that the petitioner is behind the bars for more than six months and that there is no medical evidence to show that the petitioner had facilitated abortion of pregnancy which as per the own stand of the prosecution is on account of willingness of the alleged patient and neither there is any recovery of tablet from the vaginal area nor any medical report to establish abortion on that account and nature of tablet arguing that the trial is not likely to be concluded in the near future.

The learned State counsel has opposed the grant of the bail on the grounds of heinousness of crime and seriousness of allegations though does not displace the facts that have been canvassed by the counsel for the petitioner.

Appreciating the submissions, the petitioner is behind the bars for more than six months and a debatable issue arises over the applicability of offence for which the petitioner has been hauled up or are cognizable or non-cognizable and the fact that the trial is not likely to be concluded in near future, thus no purpose will be served by retaining the petitioner in jail. Accordingly, she is ordered to be released on regular bail to the satisfaction of learned Chief Judicial

Magistrate/Duty Magistrate, Yamuna Nagar at Yagadhri.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

**(Fateh Deep Singh)
Judge**

May 31, 2019

'tiwana'

<i>Whether speaking/reasoned ?</i>	Yes/No
<i>Whether Reportable ?</i>	Yes/No