

CRM-M No.5069 of 2024

2024:PHHC:016816

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.5069 of 2024

Date of Decision: 07.02.2024

VARSHA

.....Petitioner

Vs

STATE OF HARYANA

....Respondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Divyam Singh Dhakla, Advocate for the petitioner.

Mr. Gurmeet Singh, Asstt. A.G., Haryana.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of interim bail to the petitioner for a period of six months on medical grounds in case bearing FIR No.273 dated 05.07.2023 registered under Sections 302, 34 IPC at Police Station Matlauda, District Panipat.
2. Learned counsel for the petitioner submits that the petitioner is 08 months pregnant and has been been arrayed as one of the accused in the above mentioned FIR No.273 dated 05.07.2023.
3. Notice of the petition was issued to the respondent/State so as to verify the factum stated in the petition.
4. In response thereof, status report by way of an affidavit of Superintendent, District Jail, Panipat has been filed in Court, which is taken on record. Relevant Para No.2 of the same is reproduced hereunder:-

“2. That as per medical report submitted by the Medical Officer, District Jail, Panipat:-

Certified that Varsha D/o Satbir Singh admitted on District Jail, Panipat on dated 05.07.2023 with L.M.P. dated 29.05.2023 as per told by patient. For routine check-up and follow up patient was sent to Civil Hospital, Panipat

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in gynecologist department on dated 07.07.2023 and 12.07.2023 where UPT (Urine Pregnancy Test) showed positive (+ve) result and patient got the treatment accordingly. Again patient was refer to Civil Hospital, Panipat on dated 17.07.2023 and 08.09.2023 for gynecologist opinion. Where some routine check-up, Ultrasound and some other investigations were done which showed single life intrauterine pregnancy of 08 weeks + 1 week. Later on patient again sent to Civil Hospital, Panipat on dated 11.10.2023, 11.11.2023 and 13.12.2023 for gynecologist opinion where Ultrasound and some other investigations were done which showed fetal maturity of 17 weeks 4 days +2 weeks. Later on dated 23.12.2023 and 31.01.2024 patient was sent to Civil Hospital, Panipat for regular checkup and Gynee opinion where Urine, Blood, Ultrasound and some other investigations were done Urine and Blood investigations showed no abnormalty, Ultrasound report showed fetal maturity of 34 weeks _+2 weeks with EDOD (Expected date of delivery) 13.03.2024 with no abnormality.

Present Condition:-General condition is stable, conscious, oriented and patient is getting protein rich diet as well as medication as per advised by gynecologist. Patient will be sent for follow-up and routine checkup as and when required.” (Medical report enclosed as annexure R-2).”

5. Perusal of report fortifies that the petitioner is gravid with expected date of delivery being 13.03.2024 with no abnormality. Necessity of granting interim bail to pregnant women is a matter of humane treatment in view of their unique circumstances as pregnancy can come with various health risks and complications. Detention facilities might not be equipped to provide the necessary medical care and attention that pregnant women require and thus, grant of interim bail allows them to access proper medical facilities and prenatal care, which is crucial for their well-being and the well-being of their unborn child. Further, being detained while pregnant may lead to heightened stress levels, which can negatively impact both the mother and the unborn child and at this stage well-being of the unborn child is a paramount concern.

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6. Considering the aforesaid, the present petition is disposed of and the petitioner is ordered to be released on interim bail, subject to her furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate for a period of three (03) months from 20.02.2024.

7. The petitioner shall surrender herself before the Jail Authorities on expiry of period of three months.

February 07, 2024

*Atik***(HARKESH MANUJA)****JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No