

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-10196 of 2015
Date of Decision: 06.04.2015

Balbir Kaur

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. A.S. Khinda , Advocate
for the petitioner.

Mr. A.S. Klar, AAG, Punjab.

SNEH PRASHAR, J.

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of anticipatory bail to the petitioner in case FIR No. 13 dated 10.01.2015, under Sections 498-A, 328, 506 and 34 of the Indian Penal Code registered at Police Station, Shahkot, District Jalandhar.

2. Perusal of the first information report in question shows that it was registered on the statement of Rajwant Kaur w/o Mukhtiar Singh s/o Babir Kaur. She stated that on 10.01.2015 at about 10-11 O' clock she was beaten by her husband and mother-in-law for not doing work. While her mother-in-law held her arms, her husband Mukhtiar Singh forcibly put Alprax Tablets into her mouth. She stated that earlier also she had been beaten by her husband in connivance with his mother 3-4 times. Her husband is a drunkard person and is also a drug addict

and they had been demanding dowry.

3. Heard the submissions made by Mr. A.S. Khinda , Advocate representing the petitioner and Mr. A.S. Klar, AAG, Punjab representing the State.

4. Learned counsel for the petitioner argued that the complainant had been taking Alprax Tablets on her own. In her medico legal report the doctor had mentioned that she was conscious and co-operative at the time of her medical examination. Had some intoxicant/poisonous substance been administered to her, she would have fallen unconscious by the time she was taken to the hospital for medical examination. Submitting that the petitioner is the mother-in-law and is an old lady, learned counsel sought her release on anticipatory bail.

5. The prayer is opposed by the learned State Counsel.

6. The medico legal report of the complainant, annexure P-2, shows that the complainant was medico legally examined at 12.20 p.m. on 10.01.2015 i.e. after one and half hours or so of the occurrence, which took place at 10-11:00 am. She had three injuries on her person and in the history given to the doctor she stated that she had been beaten and that Alprax tablets and some fertilizer had been given to her in the morning.

The complainant specifically stated in her complaint that her mother-in-law (petitioner) caught her arms when her husband Mukhtiar Singh forcibly put Alprax Tablets into her mouth. The injuries

on her person indicated that she had been physically assaulted. It was also her allegation that the petitioner and her husband had been beating her on account of their demand for dowry. There are specific and serious allegations against the petitioner.

7. Thus, in view of the aforesaid facts and circumstances, and least any expression above may cause prejudice to the case of either side, in my considered opinion, no case for grant of anticipatory bail to the petitioner is made out and the petition is hereby dismissed.

April 06, 2015
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(SNEH PRASHAR)
JUDGE