

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

CRM-M No.14995 of 2015.

Date of Decision: July 03, 2015.

Gurjant Singh

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. K.B. Raheja, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab.

SNEH PRASHAR, J.

A petition under Section 438 of the Code of Criminal Procedure (in short, "Cr.P.C.") for grant of anticipatory bail was filed by the petitioner in case First Information Report No.74 dated 11.04.2015 under Section 354/354-A of the Indian Penal Code (in short, "I.P.C.") registered at Police Station City Ferozepur.

The accusation against the petitioner is that he was admitted in Baghi hospital, Ferozepur on 11.04.2015 with diagnosis of dislocation of left shoulder joint. He and his companions were in drunken condition. They misbehaved with the staff nurse, assaulted her and used derogatory language towards her. They also created chaos in the hospital and gave

beatings to the Manager before leaving the hospital.

Heard the submissions made by Mr. K.B. Raheja, learned counsel representing the petitioner and Mr. Ashish Sanghi, learned Deputy Advocate General, representing the State of Punjab.

It was submitted on behalf of the petitioner that the very story of the prosecution was improbable and unbelievable. When the petitioner was admitted in the hospital with diagnosis of dislocation of left shoulder joint, the question of his assaulting or outraging the modesty of the staff nurse did not arise. Learned counsel contended that a compromise has since been effected between the petitioner, his co-accused and the doctor who is owner of the hospital. As such, since nothing is to be recovered from the petitioner, he be given the concession of anticipatory bail.

The allegation against the petitioner was that he was drunk and had caught hold of the staff nurse when she had come to treat him and had created chaos in the hospital. The victim was the staff nurse who had been assaulted with an intention to outrage her modesty. The fact that the petitioner claims to have compromised with the owner of the hospital and wants to use the said fact for claiming anticipatory bail shows that he was trying to overawe and pressurize the staff nurse through her employer. Otherwise also, merely because the petitioner was suffering from dislocation of left shoulder joint the allegations in the First Information Report could not be disbelieved. The staff nurse and other officials of the hospital had reiterated the allegations in their statements recorded by the Investigating Officer during investigation.

Thus, considering the gravity of allegations against the petitioner and his subsequent act and conduct, in my considered opinion, no case for release of the petitioner on anticipatory bail is made out and the petition is dismissed.

(SNEH PRASHAR)
JUDGE

July 03, 2015
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