

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206 **Criminal Misc. M- No. 151 of 2015 (O&M)**
Date of decision : 16.01.2015

Davinderpal and anotherPetitioners

Versus

State of PunjabRespondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Arun Takhi, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab

LISA GILL, J.

The petitioners pray for anticipatory bail in FIR No. 131 dated 11.09.2014 registered under Sections 120-B, 354-B, 376, 328, 511 IPC at Police Station Sadar Hoshiarpur, District Hoshiarpur.

It is contended that the FIR was registered against the petitioners under Section 354-B and 120-B IPC initially and they were admitted to regular bail. Subsequently, statement of the prosecutrix was recorded under Section 164 Cr.P.C. and offences punishable under Sections 376, 511, 328 IPC have been added. The allegations constituting the said offences are not qua the present petitioners. There is matrimonial discord between petitioner No. 2 and the complainant, therefore, the petitioners have been falsely implicated in the said FIR.

As per the version of the complainant – Smt. Anju, who is the wife of petitioner No. 2 - Som Nath, there was matrimonial discord between them as her husband Som Nath would keep

quarreling with her even though they had two children – son and daughter, aged 8 and 6 years respectively. On earlier occasions, Panchayati compromise had been effected. On 07.09.2014 her husband petitioner No. 2 along with petitioner No. 1 - Davinderpal his brother, brought one Baba Bhajan Parkash to their house for her alleged treatment. She pleaded that she had no problem but her husband and brother-in-law remained adamant and they forcibly made her drink a medicine made by said Baba against her wishes due to which she lost consciousness. After gaining some consciousness she noticed she was in a nude condition and the Baba lying on her side was taking undue benefit of her semi conscious state. She cried out but neither her husband, brother-in-law nor any other family member in the house came to her aid. In the said condition itself she rushed to the house of her sister, which is located nearby.

The averments by learned counsel for the petitioner that no case is made out under Section 376 IPC etc. as there is no medical evidence on record, is of no avail to the petitioners. The petitioners admittedly have an extremely sacred relationship with the complainant where she would obviously repose her trust and faith. The conduct of the petitioners is reprehensible and revolting. They are accused of having conspired in the commission of offences mentioned.

In view of the serious allegations levelled against the petitioners, no case is made out for extension of discretionary relief of anticipatory bail to the petitioners.

Dismissed.

January 16, 2015
rts

(LISA GILL)
JUDGE