

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 250

Criminal Miscellaneous No.M-16757 of 2015

Date of Decision: July 30, 2015

Krishna Devi

..... PETITIONER

VERSUS

State of Haryana

..... RESPONDENT

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CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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PRESENT: - Mr. Jitender Dhanda, Advocate, for the petitioner.

Mr. D.R. Singla, Deputy Advocate General, Haryana,
assisted by Mr. Sandeep Goyat, Advocate, for the
complainant.

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Jaspal Singh, J (Oral)

1. The instant petition has been preferred by Krishna Devi under Section 438 Cr.P.C. feeling apprehension of her arrest in case FIR No.51 dated April 1, 2015 under Sections 147, 323, 341, 342, 294, 354, 452, 506, 149 IPC registered at Police Station, Uklana, District Hisar.

2. Briefly stated, aforesaid FIR was lodged at the instance of Ms. Rashmi Bajaj, Principal, Shri Shyam Vatika School, Uklana,

District Hissar, alleging that on 30.3.2015 at about 11:30 AM, petitioner alongwith approximately 100 other unknown persons of labour community attacked the aforesaid school and misbehaved with Ms. Rashmi Bajaj, Principal, alongwith other staff. Son of the petitioner used defamatory language and threatened the Principal to kill her by cutting her into pieces after abduction. When the Principal and other staff members tried to come out of school, they threatened that they would lock them in school and damage the same. She further alleged that on the last evening also, certain unknown persons had come to the school in her absence and threatened gate-keeper and other school staff. She also noticed theft of CCTV Camera and certain other documents from the school. At the arrival of police, gate of school was unlocked.

3. Learned counsel for the petitioner has contended that a false case has been registered against the petitioner at the instance of Managing Committee of the School. Petitioner was having dispute with the Managing Committee regarding ownership of school. All other offences except Section 506 IPC were bailable. Sections 452 and 354 IPC were added lateron during investigation of the case. Petitioner is owner of land whereupon school is situated. Son of petitioner, namely, Ujjawal Saroha is the main accused and has already been granted the concession of bail. The petitioner has joined the investigation. Nothing is to be recovered from her. She undertakes to abide by all terms &

conditions imposed upon her in case she is granted the concession of bail.

4. Learned State counsel as well as counsel for complainant have opposed the petition and submitted that in order to take forcible possession of school by forming unlawful assembly, petitioner alongwith her son and other persons barged into the school premises, misbehaved with the complainant, made an attempt to outrage her modesty and other school staff. Thus, petitioner is not entitled to the concession of bail.

5. This Court has given a deep thought to the rival submissions made by learned counsel and gone through the record.

6. Undisputably, school was attacked by around 100 persons including petitioner being the aggressor. In this manner, she formed an unlawful assembly, entered the school with an intention to take its possession forcibly and misbehaved with complainant alongwith other school staff. Besides, photographs attached with the petition clearly depict misbehave being caused with complainant by petitioner and her son alongwith other persons. It can be seen from the photographs that petitioner is taking law into her own hands. This Court is of the considered view that it is not a fit case to exercise discretion envisaged under Section 438 Cr.P.C.

7. Dismissed.

8. It is made clear that any observation made hereinabove shall have no bearing on the merits of the case. Any observation, if made, is limited to the disposal of instant petition.

July 30, 2015
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(Jaspal Singh)
Judge