

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

CRM-M-17259 of 2015 (O&M)

Date of decision : 13.08.2015

Gurmeet Singh and anr.

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Inderjit Sharma, Advocate for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Darshan Singh

Mr. P.K.S. Phoolka, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in case FIR No.34 dated 03.05.2015, registered under Sections 354, 323, 34 and 354-B of the Indian Penal Code, (for short, 'the IPC') at Police Station Cantt. Bathinda, District Bathinda.

The learned counsel for the petitioners states that the incident took place on 20.04.2015 and the FIR was lodged by the complainant on 03.05.2015 i.e. after a delay of 13 days. He further states that neither any criminal force was used nor any assault was made at the time of alleged occurrence and no offence under Section 354 IPC is made out against the petitioners.

On the other hand, the learned State counsel vehemently opposes the bail application and contends that the criminal force and assault was used at the time of occurrence. Therefore, the petitioners are not entitled for bail.

The parties were heard in person along with their learned counsel.

This is unfortunate wherein the petitioner, who is husband of the complainant, along with co-accused Harbans Singh disrob and outrage the modesty of his wife. The medical evidence on record suggest it that the criminal force was used by the petitioners against the complainant. The petitioner was under the obligation and oath to protect the dignity of the complainant, whereas the petitioner has not only caused injury to the complainant but incited the co-accused to outrage her modesty.

In view of the nature of allegation and the injuries suffered by the complainant, no case for bail is made out.

Dismissed.

Nothing expressed hereinabove would be taken to be an opinion on merits of the case.

13.08.2015

ashok

**(JITENDRA CHAUHAN)
JUDGE**