

In the High Court of Punjab and Haryana at Chandigarh

CRM M-20263 of 2015
Date of Decision: June 22, 2015

Gagandeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Sukhbir Singh Mattewal, Advocate,
for the petitioner.

Paramjeet Singh, J.(Oral)

Instant 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. 33, dated 02.05.2015, under Sections 307, 323, 325, 148, 149 of the Indian Penal Code, registered at Police Station Division No.6, Jalandhar.

Factual matrix of the genesis of the occurrence is that Simranpreet Singh @ Nitin Bajwa used to chase a young girl of 15 years, (named withheld) who was studying in Medical Stream at DAV School, PAP Jalandhar and was taking tuition at Gurukul Tuition Centre at Bhai Jaita Ji Market, Jalandhar. Simranpreet Singh used to harass, tease and chase her. From the alleged harassment at the hands of Simranpreet Singh, she decided not to pursue tuition, however, on the insistence of her father,

she continued to go for tuition. On the day of occurrence, complainant Karanbir Singh and Gurmit Singh, father of the victim girl, went to Bhai Jaita Ji Market, where Simranpreet Singh @ Nitin Bajwa along with his friends was wandering on a motorcycle and the matter was brought to the notice of Sh. Adarsh Bhatti, owner of the Gurukul Tuition Centre. He informed father of the girl that he is responsible only if anything happens in the premises of his Centre. Gurmit Singh, father of the victim girl and her relative Karanbir Singh, complainant, tried to make Simranpreet understand not to harass the girl, but he started abusing and uttered bad words. Thereafter, he called on phone his father Gurnam Singh @ Bunty Bajwa and other friends including Laddi Bajwa i.e. nick name of the petitioner and 4-5 other persons. They came armed with rods and dattars and caused injuries to Gurmit Singh. Resultantly, the FIR was registered wherein the petitioner has been nominated as one of the accused.

I have heard learned counsel for the petitioner.

Learned counsel for the petitioner vehemently contended that petitioner has been falsely implicated in the present case. Only simple injury has been attributed to the petitioner. In fact, no injury has been attributed in the FIR. The main allegations are against Simranpreet, cousin brother of the petitioner. The petitioner has not committed any offence.

I have considered the contentions raised by learned counsel for the petitioner and perused the record.

It is not an issue of causing simple injury. It is wider issue which involves the free movement of young girls to pursue their career, freedom of movement with dignity and encroachment upon their right to life. In view of this, the contentions raised by the learned counsel for the petitioner are devoid of merit. Petitioner has aided and encouraged the eve teaser when they came to the site armed with rods and dattars and resultantly caused injuries to the father of the victim girl.

Eve teasing is a grave problem. Petitioner had helped the eve teaser – Simranpreet Singh in his designs and was party to causing injuries to the father of the victim girl. Petitioner along with others and the eve teaser even did not care for the law enacted to stop eve teasing. It appears that eve teaser did not learn to respect the member of their mother's gender, rather called the other persons and resultantly showed masculinity and caused injuries to the father of the victim girl. The act of the eve teaser, petitioner and co-accused is a crime against the honour and dignity of a young girl who is in initial stages of her study. Eve teaser was not only harassing the girl, but also called petitioner and others to cause injury to the father of the girl. The unlawful act of the eve teaser and the participation of the petitioner and other co-accused in encouraging the eve teaser is apparent. This not only affects the victim girl and her parents physically, emotionally and mentally, it is also unlawful infringement on the privacy and person of the victim girl. The petitioner has encouraged

the eve teaser which may curtail the right to enjoy life and pursue studies by the victim girl. The petitioner has rendered help to the eve teaser for encroachment on the victim girl's right to life and dignity. Petitioner and other co-accused not only humiliated, at that point of time, the victim girl publicly but also with a show of masculinity caused injury to the father of the victim. It may certainly affect the further studies and the career of the victim girl. It may also affect her right to life and free movement. It appears that petitioner has forgotten the rich matriarchal traditions of this country. Petitioner and other co-accused should do a soul searching that how they will feel if this happens to their mothers, sisters and daughters. The involvement of the petitioner in encouraging the eve teaser in committing the offence of eve teasing on streets does not deserve concession of anticipatory bail. Instead of advising their ward to resist from doing such acts, the petitioner and others were party to encourage the eve-teaser. It can be well imagined how the victim girl would be feeling when her father was being beaten by the petitioner and other co-accused. Pschy i.e. trauma to parents and victim girl can be also well imagined. The father has suffered serious injuries. The act of the petitioner and other co-accused is pernicious, horrid and disgusting. The petitioner does not deserve concession of anticipatory bail.

Dismissed.

June 22, 2015
vkd

[Paramjeet Singh]
Judge