

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

CRM-M-21044 of 2015
Date of Decision: 22.07.2015

Sukhraj Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mrs. Satwant Mehta, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

SNEH PRASHAR, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of anticipatory bail to the petitioner in case First Information Report No.49 dated 02.06.2015 under Sections 354 and 323 of the Indian Penal Code (for short 'IPC) registered at Police Station Kathgarh, District S.B.S. Nagar.

2. The accusation of the prosecution against the petitioner was that he was travelling in the same bus in which complainant-Arti Dutt was travelling when she was returning from Chandigarh. He was sitting next to the complainant and he started touching her body and thighs etc. with a bad intention. She raised hue and cry to oppose and complained to the bus conductor-Gurwinder Singh. The bus conductor instead of

helping her made the petitioner sit on the bonnet seat and himself sat on the seat next to the complainant. On signal from the bus conductor the petitioner raised volume of the stereo so that the co-passengers were not able to hear her voice. The bus conductor allowed the petitioner to get down near Ballachaur and when she tried to stop him from alighting he slapped her and the bus conductor still did not take any action.

3. Heard the submissions made by Mrs. Satwant Mehta, Advocate representing the petitioner and Mr. Ashish Sanghi, DAG, Punjab representing State.

4. Learned counsel for the petitioners argued that from the allegations commission of no offence under Section 354 IPC was made out as it was not stated by the complainant that the petitioner assaulted or used criminal force against her intending to outrage her modesty. Learned counsel also submitted that the First Information Report was lodged by the complainant after due consultation as it bears the signatures of her brother also, who admittedly was not travelling with her in the bus. Submitting that nothing is to be recovered from the petitioner learned counsel sought release of the petitioner on anticipatory bail.

5. There is clear allegation of the complainant in the First Information Report that the petitioner who was sitting beside her in the bus had started touching her body and thighs etc. Prima-facie, the act amounted to assault with an intention to outrage the modesty of the complainant. Such kind of incidents in the buses are on the increase and

require to be handled with heavy hand. Considering the facts and circumstances of the case and without going into the merits, no case for release of the petitioner on anticipatory bail is made out and the petition is hereby dismissed.

July 22, 2015
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(SNEH PRASHAR)
JUDGE