

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

Crl. Misc. No.M-43166 of 2015

Date of Decision: 21.12.2015

Pavitar Singh @ Babbal

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Rohit Kumar, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.214 dated 18.11.2015 registered under Sections 354/452/376/511 IPC at Police Station Nathana, District Bathinda.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, there was a quarrel between the parties and even the petitioner received injuries. He further submits that the petitioner got remained admitted in the hospital for 15 days and thereafter, he was discharged. Nothing is to be recovered from him and he is ready to join investigation.

Learned counsel for the petitioner has also relied upon the judgment of this Court in case **Mehboob Akhtar vs State of Punjab** passed in **CRM-M No.1840 of 2013**, decided on **01.05.2013**, in support of

his arguments.

Heard the arguments of learned counsel for the petitioner and have also perused the allegations levelled in the FIR.

As per allegations in the FIR, the complainant was present in her house and the accused-person came to her at about 9.30 p.m and tried to commit rape upon her, as a result of which, an alarm was raised by her. It is further mentioned therein that on hearing the noise, her husband and brother reached there and when they tried to stop the accused person, a fight took place between them. Thereafter, the efforts of compromise were made but the same could not be effected and subsequently, the FIR, in question, was registered.

Simply it has been stated that it was a case of quarrel between both the parties as there was some dispute but the cause of said dispute has not been explained to the Court. The delay has also been explained in the FIR itself as there was some talk of compromise between the parties. The petitioner was admitted in the hospital subsequently and this fact has also been mentioned in the FIR. A perusal of MLR dated 16.11.2015 would show that only swelling and bruises are there. It cannot be said on that basis that grievous injuries were caused. Moreover, it has already been mentioned in the FIR that altercation took place when the accused party was seen by husband and brother of the complainant.

Keeping in view the seriousness of offence and allegations in the FIR, no ground is made out to grant anticipatory bail to the petitioner and the petition being devoid of any merit is hereby dismissed.

21.12.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE