

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-24196 of 2016

Date of Decision: 05.8.2016

Kewal Nagpal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate
for the petitioner.

Mr. J.S.Bhullar, AAG, Punjab.

Mr. Vikas Kumar, Advocate
for the complainant.

ANITA CHAUDHRY, J (ORAL)

Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 118 dated 2.7.2016, registered under Sections 323, 354, 506, 34 IPC at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib and later on Section 354-B IPC has been added.

Learned senior counsel for the petitioner contends that the complaint was a counter to the application given by the petitioner's son and the injuries have been manipulated. It was urged that the complainant and some others entered their shop and damaged the articles on the basis of which a complaint was given to the police and a DDR was entered. Senior counsel urges that some photographs have been placed on file to show the damage caused. It was urged that there is a vacant plot situated opposite the hospital of the complainant and their employees used to throw garbage in the plot and when the petitioner stopped them, they came to their shop and

broke the electronic items.

The complainant side had appeared and has opposed the application. It was urged that the complainant is a doctor who has accused the petitioner of physically assaulting her and tearing her clothes and beating her and the complainant's sister had called up the police and the incident occurred between 2.30 and 2.45 P.M. and the complainant was taken to the hospital and MLR was conducted and there are number of injuries. The counsel urges that the complainant was shifted to another hospital and injuries are noted in Annexure P-6 and x-ray was advised for the injuries on the scalp. It was urged that even in the MLR conducted half an hour after the incident, there is a reference to diffuse swelling near the wrist.

Counsel for the complainant states that after the beating of the complainant, messages on the Whatsapp had been spread that doctor Babeeta had been beaten up and it also refers to the family which was involved. A copy of the message has been placed on record.

The police has not registered any FIR on the application given by the petitioner. The first MLR was prepared half an hour after the incident refers to number of bruises on the left side of the cheek. There was diffuse swelling near the wrist. There is reference to pain in the left forearm. On the recommendation of the medical board and orders of the SMO medical was conducted in the Punjab Health Systems Corporation where the same injuries are noted but separately. The petitioner is accused of allegations for which Section 354-B IPC has been added.

No case of anticipatory bail is made out.

Petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

August 05, 2016
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No