

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

(I) CRM-M-36603-2016 (O&M)

Date of decision : 02.12.2016

Balbir Singh and another

...Petitioners

Versus

State of Haryana

...Respondent

(II) CRM-M-39333-2016 (O&M)

Date of decision : 02.12.2016

Jaswant Singh @ Laddi

...Petitioner

Versus

State of Haryana and another

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Premjit Singh Hundal, Advocate,
for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana,
assisted by SI Jagdish Chander.

Mr. Arvind Singh, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The above captioned two petitions filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioners in FIR No.93 dated 17.09.2016, registered under Sections 323, 506, 342, 355, 500, 501, 504, 452 and 147 read with Sections 149 and 34 of the Indian Penal Code, (for short, 'the IPC') at Police Station Panjokhra,

ATUL SETHI
10/12/2016
I attest to the accuracy and
authenticity of this document
Chandigarh

Distt. Ambala, are being disposed of by this single order.

Contents that petitioner No.1 is a practising lawyer at District Court, Ambala and a member Panchayat, Village Barnala, whereas, petitioner No.2 is the Sarpanch of the Village. The petitioners being Sarpanch and Member Panchayat had received a complaint addressed to them by Sukhwinder Singh, the husband of the victim Surinder Kaur, wherein, he had expressed suspicion that his wife had illicit relations with the complainant, Sarabjit Singh. In pursuance to the complaint, the complainant in the present FIR, Sukhwinder Singh and the alleged victim were called to attend the Panchayat meetings. The petitioners in the presence of the whole village community tried to raise the concern of the village with regard to their illicit relations. The petitioners did not play any active role as alleged by the complainant. The assertion of the complainant that he was given beatings is against the record as the MLR has not been produced on record. It is further asserted that initially the FIR was registered under Sections 147, 323, 506, 342, 355, 500, 501, 504 and 509 read with Sections 34 and 149 IPC, which are all bailable. Subsequently, to harm the petitioners and under the pressure of the complainant, Section 452 IPC has been added.

On behalf of the complainant-Sarabjit Singh and Smt. Surinder Kaur, it is asserted that the petitioners have concealed the material facts from this Court. It is averred that in order to oust the victim-Surinder Kaur from the property, the petitioner-Sarpanch, who is also her cousin, adopted an illegal method to publicly defame her. It is further submitted that when the complainant was on his way to Gurudwara Sahib, he was overpowered and taken to the house of the petitioner-Sarpanch where after giving

beatings was shoe garlanded. Subsequently, victim Surinder Kaur was also summoned by the Panchayat, and was abused, beaten up in full public view and was paraded around the village after shoe garlanding. Action against the complainant and victim, as per the petitioners, was initiated on the complaint of the husband, who is a drug addict, presently admitted at drug de-addiction centre at Pipli by his wife, the complainant and victim. It is further submitted that the complaint was got moved by the petitioners against the victim through her husband to defame her, which was subsequently withdrawn by him on 30.7.2016, wherein, it has been specifically stated that the complaint against the victim was secured from him under coercion. She was publicly humiliated. To substantiate his assertions, learned counsel has placed on record the video recording of the incident which was played in the open court. Krishna Devi, Malkiat Kaur, her aunt Jaswinder and three-four boys along with petitioner-Sarpanch forcibly entered her house and started giving beatings alleging that she had illicit relations with some persons. All these people forced her to tender public apology and thereafter, by putting a garland of shoes around her neck, paraded her in the village. The Sarpanch with a view to further defame the complainant videographed the incident and loaded the same on social media.

Heard.

The active participation of the petitioners as reflected by learned Additional Sessions Judge in the impugned order is prima facie made out subject to the FSL report of the videos. However, even if the case of the petitioners is accepted in its entirety, the same cannot be endorsed by this Court. The petitioners being members of the Panchayat have no

authority to penalise and curtail the personal liberties granted to the citizens of this country by the Constitution. The petitioners have shown blatant disregard for the law of this land and have acted against the victims in a manner which cannot be justified in any civilized society. This Court prima facie feels that the crime committed by the petitioners falls under the category of heinous crimes. The action of the petitioners has not only allegedly disrobed the victims of their honour and self-esteem but is a potential threat to edifice of judicial system. However, the Court restrains itself to express any opinion, at this stage.

In view of the above, no case for grant of bail is made out. Hence, the instant bail applications are dismissed.

After hearing learned counsel for the parties, the Court feels that the investigation in the present case has not been carried out in a fair and proper manner. Considering the repercussions and social consequences of the act, the Court feels that further investigation in the matter is warranted. Therefore, it is ordered that a fresh inquiry be conducted in the matter by the Commissioner of Police, Ambala, under the supervision of Inspector General of Police, Ambala Range, Ambala, within one month from today.

Post again on 10.01.2017.

The inquiry report be placed before this Court in the meantime.

02.12.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No