

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

**CRM-M No.30886 of 2016 (O&M)
Date of Decision: 09.03.2017**

Dr. Harjinder Kaur

.....Petitioner

Vs

State of Punjab and another

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. J.S. Brar Advocate
for the petitioner.

Ms. Rimplejeet Kaur, A.A.G., Punjab.

Mr. A.S. Kalra, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J.

[1]. Petitioner has filed this petition for the grant of anticipatory bail in a criminal complaint case No.39/2015 dated 02.03.2015 titled "*Amarpreet Singh vs. Dr. Harinder Pal Singh and others*" registered under Sections 302, 307, 325, 323, 148, 149, 34, 120-B IPC pending in the Court of Judicial Magistrate Ist Class, Bathinda.

[2]. Brief facts are that the petitioner alleged that she is a qualified M.B.B.S. Doctor. Husband of the petitioner i.e. Harinder Pal Singh is also a qualified Doctor and has retired as

a Senior Medical Officer. FIR No.80 dated 19.11.2014 under Sections 323, 341, 506, 148, 149 IPC was registered at the instance of the complainant wherein report under Section 173 Cr.P.C., was filed for the offences under Sections 304-A, 279, 427 IPC and the trial is pending. Complainant is the real brother-in-law of the petitioner.

[3]. In the FIR allegations were made that Harjinder Pal Singh and cousin brother of the complainant namely Bhalindra Singh son of Manohar Singh were standing near a vehicle with iron rods in their hands. Harinder Pal Singh hit the car with an iron rod on driving side, resulting in breaking the windshield glass and the car went out of control and after hitting the divider turned turtle. Brother of the complainant came near the car and took out his father out of the car and hit him with iron rod at the back of his neck. Father of the complainant fell down and the cousin brother of the complainant hit the complainant with iron rod. The complainant while defending with his right hand got the injuries on the little finger of his right hand. Apparently, no part was attributed to the petitioner in the FIR.

[4]. Thereafter a criminal complaint was filed by the complainant against the petitioner, her husband and Bhalindra Singh under Sections 307/302/325/323/148/149/34/120-B IPC in the Court of Chief Judicial Magistrate, Bathinda. The

allegations were that the attitude of brother of the complainant namely Harinder Pal Singh and his wife Harjinder Kaur (petitioner) became cruel towards his father and they used to misbehave with his father and threatened to kill him in order to grab his property. His father moved an application under Senior Citizens Act before the SDM, Bathinda and the accused therein were summoned.

[5]. Perusal of the contents of the complaint, particularly in the light of para nos.4, 7, 8, 9 and 10 reveal that no overt act has been attributed to the petitioner except the threat which was advanced along with her husband and the factum of collusion of Dr. Manoj Maji with the petitioner and her husband in not treating the father of the complainant properly.

[6]. Learned counsel for the petitioner vehemently contended that the filing of the complaint at a belated stage was the result of abuse of process of law, particularly when the FIR on the same subject matter resulted in filing of report under Section 173 Cr.P.C., for the offences under Sections 304-A, 279 and 427 IPC. The filing of complaint was intended to aggravate the alleged offences so as to attract enhanced culpability even *qua* the petitioner.

[7]. Learned counsel for respondent No.2 vehemently

opposed the petition for the grant of anticipatory bail by referring to the complaint made to SDM, Bathinda in which petitioner along with her husband have been summoned. Learned counsel also contended that the complainant has also filed CRM-M No.37886 of 2016 titled "*Amarpreet Singh vs. State of Punjab and others*" in which notice of motion has already been issued by this Court. The said case is for seeking appropriate direction in furtherance of enhanced culpability of the petitioner and her husband and the same is pending for 10.05.2017.

[8]. This Court vide order dated 02.09.2016 issued interim direction thereby keeping the arrest of the petitioner in abeyance. The interim order was allowed to be continued at the subsequent stages till date.

[9]. Since the petitioner has been summoned in a criminal complaint, the complicity of the petitioner is *prima facie* a debatable issue in the context of allegations forming subject matter of the complaint, therefore, it would be just and appropriate to direct the petitioner to appear before the trial Court within a period of two weeks from the date of receipt of certified copy of this order. Ordered accordingly.

[10]. In the event of appearance of the petitioner before the trial Court, the trial Court shall admit the petitioner on bail.

However, the petitioner shall keep on appearing before the trial Court regularly on each and every date of hearing.

[11]. Petition stands disposed of.

March 09, 2017	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No