

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

CRM-M-38802-2017

Date of decision: 23.10.2017

Bachni

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. G.S. Sidhu, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed by the petitioner under Section 438 Cr.P.C. seeking grant of anticipatory bail to her in case FIR No. 283 dated 07.08.2017, under Sections 307, 323, 324, 326, 354, 498-A, 406, 506 and 34 IPC, registered at Police Station Pundri, Kaithal District Kaithal.

In brief, the facts are that the petitioner herein is the mother-in-law of the complainant Gurmeet Kaur who got an FIR registered with the Police Station stating that she had got married with Kapil son of Goverdhan, Caste Chamaar, resident of Fatehpur in March, 2011 and out of this wedlock two sons were born. It was alleged that despite her parents having spent sufficient amount on the marriage, her in-laws were not happy with the dowry articles and used to taunt her for bringing less dowry. While demanding more articles, she had been subjected to beatings at the hands of her in-laws, which resulted in a Panchayat being called in which her in-laws

admitted that they would not harass her in future. However on 05.08.2017, at night when she was sleeping, then her husband with an intention to kill her caused injuries in her abdomen, chest, face, head and legs with scissors. When she raised alarm then her mother-in-law Bachni, sister-in-law Sunita and brother-in-law Vinod came at the spot and caught hold her and put a cloth in her mouth, so that noise could not be heard by neighbours. While giving kick and fist blows to her she was threatened that in case she would tell about the incident to anyone they will kill her. It was also alleged in the FIR that her in-laws were putting pressure on her for not to getting her statement recorded before the police, but now after having regained full conscious and having been operated upon the injuries, she requested for strict legal action to be taken against her husband, brother-in-law, mother-in-law and sister-in-law.

Learned counsel for the petitioner contends that there was variation in the statement that had been given by the complainant at the time of the DDR and the statement made leading to the registration of the FIR. It is further contended that the main allegation of causing grievous injury to the complainant is against her husband Kapil and not against the petitioner herein. In fact, it would be noticed in the FIR itself that in-laws had taken her to the hospital.

Ms. Gaganpreet Kaur, learned AAG, Haryana argues that the petitioner herein is the mother-in-law of the complainant and serious allegations have been levelled against her in the FIR and, thus, she should not be entitled to the concession of anticipatory bail.

I have heard learned counsel for the parties and have gone through the case record carefully.

As per the FIR, the complainant herein has specifically stated in the FIR that her mother-in-law came into the room and put a cloth in her mouth so that the noise raised by the complainant would not be heard by the neighbours and also gave kick and fist blows while threatening that she should not disclose this incident to her family. It is further averred that her in-laws were putting pressure upon her not to have a statement recorded before the police. The allegations against the petitioner herein are serious in nature. In fact, there is a specific allegation made that she raised an alarm that her mother-in-law Bachni, the petitioner herein gagged her mouth with a cloth so that the neighbours could not hear her while also giving her kick and fist blows. It is also noted that the cloth used at the time of gagging the complainant is yet to be recovered.

It is well settled that grant of anticipatory bail is an extraordinary relief. Keeping in view the serious allegations against the petitioner, I do not find it a fit case where petitioner is entitled to benefit of anticipatory bail.

Therefore, finding no merit in the present petition, the same is dismissed.

23.10.2017*Satyawan***(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.