

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

Criminal Misc. No.M- 25546 of 2017(O&M)

Date of Decision: March 06 , 2018.

Bishni Devi and others PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Saurabh Arora, Advocate
for the petitioners.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Kartik Gupta, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.25 dated 16.05.2017 under Sections 452/323/506/34/354B IPC, registered at Police Station Talwara, District Hoshiarpur.

As per the allegations in the FIR registered on the statement of the complainant aged 25 years, petitioner No.1 and her husband who are residing opposite her house threw garbage in front of the gate of the complainant's house.

When the mother of the complainant protested, petitioner No.1 hurled abuses

upon them. On hearing the commotion, the complainant came out of the house. Thereafter petitioner No.3 also arrived at the spot and gave fist blows on the face and right side of the nose of the complainant as well as on her head. Petitioners No.1, 2 and 3 are alleged to have caused injuries to the complainant's mother. The complainant and her mother raised alarm and managed to escape with difficulty. Legal action was thus prayed for. FIR under Sections 323/452/506/34 IPC was registered. A supplementary statement was suffered by the complainant on 17.05.2017 to the effect that petitioner No.3 tore her clothes as well, with an intention to outrage her modesty. Accordingly, Section 354B IPC was added.

Learned counsel for the petitioners vehemently argues that the offence punishable under Section 354B IPC has been added subsequently after due deliberation and concoction by the complainant. Present is a case of version and cross-version as petitioners No.1 and 3 also received injuries. Moreover, a report i.e., DDR dated 13.05.2017 (Annexure P8) in respect to the same incident was lodged by the petitioners, but no action has been taken thereon. It is submitted that the petitioners have joined investigation and they undertake to face the proceedings and not misuse the concession of anticipatory bail, if afforded to them. Therefore, it is prayed that this petition be allowed.

It is noticed that learned counsel for the complainant on a previous date had raised an allegation that the complainant had received injuries on her private parts as well. However, a perusal of the medico-legal report as well as affidavit dated 30.11.2017 filed by Mr. Ravinder Singh, Deputy Superintendent of Police, PPS, Sub Division Mukerian does not reveal the same.

Learned counsel for the State submits that petitioner No.1 has been found innocent during investigation. The petitioners have joined investigation and are not reported to be involved in any other criminal case.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 19.07.2017 is made absolute.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant, any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

March 06 , 2018.
'om'

(**LISA GILL**)
JUDGE

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