

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

(1)

**Crl. Misc. M-31696 of 2018 (O&M)
Date of Decision: August 01, 2018**

Jaspal

...Petitioner

Versus

State of Haryana

...Respondent

(2)

Crl. Misc. M-31946 of 2018 (O&M)

Jaspal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sukhpreet Kaur, Advocate
for the petitioner (s) in both the cases.

Ms. Gaganpreet Kaur, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

1. By this common order, this court proposes to dispose of above captioned two criminal miscellaneous petitions i.e. **CRM-M-31696 of 2018** and **CRM-M-31946 of 2018**, that have been filed by the petitioner for grant of anticipatory bail. **Criminal Miscellaneous No.M-31696 of 2018**

pertains to FIR No.199 dated 16.05.2018, registered under Sections 148, 149, 323, 452, 506 of Indian Penal Code at Police Station Ambala Cantt. District Ambala on the statement of complainant Deenu Ram son of Sita Ram whereas, **Criminal Miscellaneous No.M-31946 of 2018** pertains to FIR No.200 dated 16.05.2018, registered under Sections 148, 149, 323, 354, 435, 436, 452, 506 of Indian Penal code at Police Station Ambala Cantt. District Ambala on the statement of complainant Sonia.

2. For the purposes of disposing of both these petitions, the facts as stated are that petitioner-Jaspal herein got registered a DDR No.12 dated 16.05.2018 against the family members of Sonia and Deenu Ram (complainants in the aforesaid FIRs) on account of the fact that his nephew's wife Rani had been caused injuries by the family members of Sonia and Deenu Ram. The said DDR No.12 dated 16.05.2018 was registered prior in time to the aforesaid FIRs, and therefore, the two FIRs are nothing but a counter-blast to the said DDR, which was eventually converted into FIR No.204 dated 18.05.2018, under Sections 148, 149, 323, 325, 506 of Indian Penal Code.

3. Learned counsel appearing on behalf of the petitioner argues that on DDR No.12 dated 16.05.2018, no action was taken by the police in time, rather, the aforesaid two FIRs were got registered, in which false allegations have been levelled against the petitioner. It is contended that in the said DDR, it was mentioned that Rani had received injuries and both these injuries have been kept for surgical opinion, and therefore, the petitioner ought to be allowed anticipatory bail in the aforesaid FIRs since, these were nothing, but a counter-blast to the aforesaid DDR.

4. Per contra, learned counsel appearing on behalf of the complainants Sonia as well as Deenu Ram submits that an altercation took place between the parties. Deenu Ram (complainant in FIR No.199 dated 16.05.2018) was attacked and given beating by Jaspal and other family members, despite knowing the fact that he had undergone a heart surgery a few days prior thereto. It is also argued that the accused persons entered the house of the complainant Sonia (complainant in FIR No.200 dated 16.05.2018) and gave beatings to them. Articles lying in the house were collected and the same were set to fire by sprinkling petrol on them. Some articles lying on the roof, were also set on fire. It is also contended that Jaspal, the present petitioner, also tried to outrage her modesty and tore her clothes. They were rescued, when a hue and cry was raised in the vicinity and all persons fled away from the spot along with their respective weapons. It is also submitted that the actions of the petitioner herein does not warrant grant of any anticipatory interim protection and custodial interrogation would be required.

5. Learned counsel appearing on behalf of the respondent-State submits that the matter is under investigation and it would appear that a major damage had been caused on account of fire.

6. I have heard learned counsel for the parties, apart from perusing the pleadings.

7. The Additional Sessions Judge, Ambala, took note of the fact that there were specific allegations against the petitioner herein that he caught hold of breasts of the complainant and tore her clothes, apart from the fact that he had been named as one of the main aggressor. Moreover,

there are allegations that the articles lying in the house of the complainant had been set on fire.

8. The grant of anticipatory bail is a discretionary relief. The conduct of the petitioner and gravity of the offence committed has to be seen as well. In view of the peculiar facts and circumstances of the present case and the gravity of the allegations of outraging the modesty of the complainant and of using petrol to ignite articles, this court is of the considered view that no ground is made out to grant the relief of anticipatory bail to the petitioner. Accordingly, the petitions in hand are hereby dismissed, being devoid of any merits.

9. However, anything observed hereinabove shall have no affect on the merits of the case, which is only for the purpose of deciding the instant anticipatory bail petitions.

August 01, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No