

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

Crl. Misc. M-46267 of 2017 (O&M)
Date of Decision: January 08, 2018

Harpreet Kaur and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Hemender Goswami, Advocate
for petitioners No.1 and 2. (Petition stands dismissed qua
petitioner No.3 vide order dated 06.12.2017).

Mrs. Anju Arora, Addl. AG Punjab.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioners in FIR No.265 dated
15.11.2017, under Sections 323, 354-B, 506, 34 of Indian Penal Code,
registered at Police Station Division No.5, Ludhiana.

Learned counsel for the petitioners contends that the petitioners
herein have been falsely implicated in the present, on account of the
landlord-tenant dispute pending between the parties. It is argued that even
as per the case projected by the prosecution, the alleged injuries on the
person of the complainant are simple in nature. It is submitted that false
allegations of tearing the clothes of the complainant have been levelled, just
to harass petitioners No.1 and 2, who are students.

Per contra, learned counsel appearing on behalf of the respondent-State opposes the grant of anticipatory bail to petitioners No.1 and 2, while submitting that offences alleged against them are serious in nature and the entire incident has been captured in CCTV footage.

I have heard learned counsel for the parties and perused the record of the case.

A reading of the FIR would go on to show that there are specific allegations against the petitioners. The role attributed by the complainant to the petitioners is that on 14.11.2017 about 4.45 p.m. Varinder Singh son of their tenant Amarjit Kaur along with 5-6 persons called her husband Jaspal Singh by raising voice to come outside. Upon this she and her husband came out then Varinder Singh and his brother Ajju both sons of Amarjit Kaur started to slap her husband. She came forward to save her husband Jaspal Singh then Varinder Singh and his brother Ajju Singh caught hold of her from her hair and gave beatings to her and also torn off her clothes. In the meantime, Amarjit Kaur's daughter Harpreet Kaur also hold her from her hair and inflicted kick blows in her stomach. She became unconscious and fell down on the road. The entire occurrence was recorded in the CCTV camera installed outside their house.

This court, while issuing the notice of motion on 06.12.2017, passed the following orders;-

“Heard.

Petitioner Nos.1 and 2 are stated to be students who are scheduled to appear in the forthcoming examinations which as per the examination schedule, will conclude on 23.12.2017.

Considering the above, the Court is not examining the case of petitioner Nos.1 and 2 on merits, at this stage and to enable them to appear in the examinations, the proposal of arrest, if any, qua them, is ordered to be kept in abeyance.

However, so far as petitioner No.3 is concerned, he is son of Sheetal Singh, the tenant of the complainant. During the course of hearing, the CCTV footage of the incident collected during the investigation was played in the open Court. As per the CCTV footage, the identity of petitioner No.3 is fully established. He is seen causing fist and kick blows to the complainant after dragging her and falling her on the ground. The aggression and brutality captured in the CCTV footage is sufficient to convey the intention of the petitioner. The injuries suffered by the complainant are duly corroborated by the MLR carried upon her on 14.11.2017. The petitioner along with co-accused Ajju and other identified persons gave injuries and also tore off the clothes of the complainant.

In view of the above, no case for grant of bail is made out at this stage qua petitioner No.3. Accordingly, the instant petition qua petitioner No.3 stands dismissed.

Notice of motion qua petitioner Nos.1 and 2 for 08.01.2018.....”

In the aforesaid order dated 06.12.2017, this court has observed that in the CCTV footage, which was played in the court, the petitioners were seen giving injuries on the person of the complainant, which fact is duly corroborated by the MLR. While considering all these facts and that petitioners No.1 and 2 are students and have to appear in the forthcoming examination, the arrest of petitioners No.1 and 2 was ordered to be kept in

abeyance and notice of motion issued only qua petitioners No.1 and 2. However, the instant petition was dismissed qua petitioner No.3.

In the instant case, *inter alia* there are serious allegations of outraging the modesty of the complainant and in the commission of the crime, the petitioners have actively participated and the entire incident has been captured in CCTV camera installed at the spot.

The grant of anticipatory bail is a discretionary relief and the conduct of the petitioners has to be seen as well. In view of the peculiar facts and circumstances of the present case and the serious allegations levelled against petitioners No.1 and 2, this court is of the considered view that no ground is made out to grant the relief of anticipatory bail to the petitioners No.1 and 2 herein. Accordingly, the petition in hand is hereby dismissed, being devoid of any merits.

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

January 08, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No