

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-372 of 2019 (O&M)
Date of decision : January 15, 2019

Manju

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Chanderhas Yadav, Advocate, for the petitioner
Mr. Ripu Daman, AAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

This first anticipatory bail under Section 438 Cr.P.C. has been filed in case FIR No. 35 dated 30.4.2016, under Sections 328, 376, 506, 120-B IPC, Police Station Women, Jhajjar.

The brief facts that needs to be enlisted are that a complaint in writing was made to the police by the victim who is a married woman. In her complaint she alleged that she along with her husband were perturbed for being not able to give birth to a child and on some information that their desires would be fulfilled they started visiting Ashram of co-accused non-applicant Baba Ranbir Dass on the assurance that on the blessings of the

Baba they will be bestowed with a child. It is alleged that during such visits on 3.4.2016, the couple went to Ashram at evening time where they often met the present petitioner. They were told to stay back for the parshad which would beget them a child. It is alleged that at 10.00 PM the accused non-applicant Baba gave milk to the couple as a consequence of which the victim became uncomfortable. The petitioner went out of the room and thereafter accompanied by her co-accused Baba Ranbir Dass entered the room and at which it is alleged that the petitioner put her hand on the mouth of the victim whereas Baba has ravished her and thereafter threatened her that they will eliminate the husband of the victim and thereafter under this threat they went away and subsequently when they got confidence, the present case was got registered.

Mr. Chanderhas Yadav, learned counsel for the petitioner has argued that the petitioner was found innocent during the investigations and was placed in column no. 2 and subsequently has been summoned with the aid of Section 319 Cr.P.C. and that only her presence for the trial is necessitated and there is no question of custodial interrogation.

Mr. Ripu Daman, learned State counsel on behalf of the State assisted by ASI Munish, Police Station Women, Jhajjan has opposed the grant of bail on the ground that the petitioner along with co-accused Baba were running a racket in enticing women to satisfy their sadistic pleasure and in view of heinousness of crime and seriousness of allegations dis-entitles to any relief.

Appreciating the submissions, the name of petitioner and specific role attributed to her are well elicited in the complaint moved by the victim of this crime. The mere fact that during the investigations, the petitioner was found innocent leaves much to doubt. There are specific allegations against the petitioner of her active participation in the commission of the offence. Keeping in view that such like misdemeanour and illegal acts by self proclaimed Godman have become rampant whereby poor innocent ladies are being fleeced together with the fact that the Courts are tools of social justice as well and that the provisions of Section 438 Cr.P.C. are to be sparingly used. No ground for anticipatory bail is made out and thus, the present petition stands dismissed.

January 15, 2019

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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No