

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-16955-2019 (O&M)
Date of Decision:-21.8.2019

Pappo @ Jaswant Kaur and others ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kulbhushan Raheja, Advocate for the petitioners.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by HC Ram Parkash.

GURVINDER SINGH GILL, J.(Oral)

The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.14 dated 23.1.2019 at Police Station Guruharsahai, District Ferozepur under Sections 354-B, 379-B, 379, 323, 148 and 149 of Indian Penal Code.

The FIR was lodged at the instance of Monika Rani @ Bimla, wherein it has been alleged that she had been married to petitioner No.3 Makhan Singh about five years back, but later due to some matrimonial discord, she alongwith her husband started residing separately from other members of his family. It is alleged that on 21.1.2019, when she alongwith her husband was present at home, then her father-in-law Harjinder Singh, her *deor* (brother-in-law) Lakhwinder Singh, Pinder Singh and Sukhchain Singh

arrived at their house and told her husband that they have brought two bags of *poppy husk* but since their car has developed some defect, they asked complainant's husband to accompany them with his car. The complainant, however, asked her husband not to accompany them, upon which the aforesaid persons called their associates including her *devrani* Darshna Rani, her mother-in-law Pappo Bai, her bhua sass Raj Rani and Gurcharan Singh. When the complainant raised alarm, the said accused gave beatings to her. It is further alleged that infact her father-in-law Harjinder Singh and her brother-in-law Lakhwinder Singh and Sukhchain Singh tried to strangulate her and even tore her suit and committed indecent acts and outraged her modesty.

The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case on account of some matrimonial discord between the complainant and her husband i.e. petitioner No.3 Makhan Singh and that the falsity of allegations would be evident from the fact that allegations of outraging modesty have been levelled against both father and son together i.e. against co-accused Harjinder Singh and Lakhwinder Singh.

The learned State counsel has, however, opposed the petition by submitting that since specific allegations have been levelled against the petitioners, no case for grant of bail is made out. It has, however, been informed that the petitioners have since joined investigation.

I have considered rival submissions addressed before this Court. It is apparent that the matter infact arises out of matrimonial discord between complainant and petitioner No.3. Without making any further expression on

merits of the case and while noticing that the petitioners are stated to have joined investigation, in my opinion, it is not a case warranting custodial interrogation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 12.4.2019 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The present petition stands accepted accordingly.

21.8.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No