

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

219

CRM-M-39199-2019

Date of Decision:29.10.2019

Harjinder Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Vikram Singh Chauhan, Advocate,
for the petitioner.**

**Mr. Saurav Khurana, DAG, Punjab,
for respondent No.1.**

**Mr. Sumeet Puri, Advocate,
for respondent No.2.**

HARI PAL VERMA , J.(Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in FIR No. 0148 dated 03.08.2019 under Sections 498-A, 323, 34 IPC, registered at Police Station Pasyana, District Patiala.

Marriage between the petitioner and respondent No.2 was solemnized on 06.02.2019. The complainant who is present in the Court has submitted that the petitioner is in the habit of taking liquor and after taking heavy drinks, he gives merciless beatings to her. He loses his senses and at times he is not able to make out the difference as to whether it is a bathroom or bed room. On 16.7.2019, when complainant was sitting inside the room to take dinner, petitioner along with his mother Sandeep

Kaur and sister-in-law Gurpreet Kaur came in her room. Her mother-in-law caught hold of the complainant from her hairs, Gurpreet Kaur (sister-in-law) gave a pipe blow on the left side of her back, whereas the petitioner-husband gave kick blows on her legs and thigh. Due to which, the complainant received injuries. On the next day, she was got admitted to the Civil Hospital, Sangrur. As per MLR produced in the Court today, the doctor who examined the complainant had opined that total 8 injuries were inflicted upon the complainant. All the injuries were kept under observation and X-ray was recommended. The injuries were caused with a blunt weapon. There are specific allegations of cruelty against the petitioner.

Heard learned counsel for the parties.

In **Mayank Pathak Versus State (Govt. of NCT of Delhi) and another 2014(3) RCR (Criminal) 853**, Hon'ble Supreme Court has observed that the anticipatory bail was rightly rejected by the High Court in that case keeping in view the serious allegations of illegal demands of dowry made by the accused and cruel treatment. The relevant observations made in paragraph No.6 of the said judgment read as under:

“6. This Court finds it unfortunate that the parties cannot settle such a matter and the petitioner is willing to fight out the matter in court. We are conscious that the statements made in the court in the attempt for conciliation are not evidence before the court and will not be used as such. In any case, we are of the view that the allegations of cruelty and torture at the hands of the petitioner and the alleged desertion of the complainant as a result of beating, completely disentitle the petitioner to any consideration for anticipatory bail.”

Considering the fact that the injuries were inflicted on the person of the complainant as well as in the light of law laid down in

to grant anticipatory bail to the petitioner.

Accordingly, the present petition, being devoid of any merit, is dismissed.

It is made clear that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case. The trial Court shall not be influenced with the observations made hereinabove in any manner.

October 29, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No