

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

209

CRM-M -39253-2020

Date of Decision: 15.12.2020

Manjit Kaur & Another

.....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. HS Batth, Advocate and
Mr. Vaibhav Sehgal, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, D.A.G., Punjab.

Mr. Sunil Garg, Advocate, for the complainant

HARNARESH SINGH GILL, J. (Oral)

Case is taken up for hearing through video conferencing.

Status report by way of an affidavit dated 03.12.2020 of Assistant Commissioner of Police, North, Jalandhar, already filed in the registry, is taken on record.

Prayer in this petition filed under Section 438 Cr.P.C., is for grant of anticipatory bail in case bearing FIR No.175 dated 22.09.2020, registered under Sections 406, 498-A, 316, 323, 120-B IPC, at Police Station Division No.1, Police Commissionerate, Jalandhar.

Learned counsel for the petitioner states petitioner No.1 is the mother-in-law and petitioner No.2 is an unmarried sister-in-law of the complainant-Sonia and they have been falsely implicated in the present case. It is further submitted that after having medico legally examined the complainant, the doctors had found three injuries on the person of the complainant i.e. injury No.1 regarding severe pain in her abdomen

(pregnancy of 1-½ month, no bleeding and no visible marks of fresh injury), injury No.2 an abrasion on the right forearm and injury No.3 also an abrasion on the back of the right side of the complainant's neck. It is thus, submitted that the nature of the injuries totally falsifies the allegations of the complainant that she had been attacked by six persons.

On the other hand, learned State counsel assisted by learned counsel for the complainant, has stated that there are specific allegations against the petitioners. While making a specific reference to the status report, it is submitted that the Board of Doctors, Civil Hospital, Jalandhar have not ruled out the possibility of the foetus getting aborted due to the injuries given to her. In the FIR, the complainant has specifically stated that the petitioners had given fist blows on her abdomen. Thus, taking into account the role attributed to the petitioners, they are not entitled to the concession of anticipatory bail.

I have heard learned counsel for the parties.

Petitioner No.1 is the mother-in-law of the complainant. In view of the specific allegations regarding her having given fist blows on the abdomen of the complainant, which resulted into the abortion of the foetus, this Court is not inclined to grant the concession of anticipatory bail to petitioner No.1. Accordingly, bail petition qua her, is dismissed.

So far as petitioner No.2 is concerned, though, she is also attributed a similar role, yet taking into consideration that she is an unmarried sister-in-law of the complainant, she is directed to join the investigation and if she is sought to be arrested, she shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438(2) of the

Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion should not operate as an inroad into the statutory investigational power of the police.

Disposed of.

It is made clear that it shall be open to the prosecution and/or the complainant to move an application for cancellation of bail granted to petitioner No.2 in case any of the aforesaid conditions is violated by her.

(HARNARESH SINGH GILL)
JUDGE

15.12.2020
Aman Jain

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No