

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

* * *

CRM-M-44253 of 2020

Date of Decision: 30.12.2020

Meenaksi Bakshi

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sandeep Panwar, Advocate for the petitioner.
Mr. Deepak Bhardwaj, DAG, Haryana.
Mr. PKS Phoolka, Advocate for the complainant.

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Avneesh Jhingan, J. (Oral)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No.53 dated 11.6.2020, under Sections 313 and 376 IPC, registered at Women Police Station Sector 5, Panchkula.

In the FIR the allegations are that prosecutrix used to reside as paying guest in Sector 22-C, Chandigarh. She became friendly with Sunil Bakshi (accused). On 26.4.2014, they went to Solan for celebrating accused's birthday. From there, she was taken to Hotel AAA, Dharampur where the accused made physical relations with her. After one month of insistence, the prosecutrix was taken to his house by accused where the petitioner created scene. As a result of physical relation, the prosecutrix conceived. It is alleged that the petitioner got aborted the foetus of the prosecutrix on the pretext of getting her married to accused. The allegation is that the abortion was got done by Dr. Deepika at MDC, Sector 5, Panchkula.

Learned counsel for the petitioner submits that there is delay of six years in lodging the FIR. The petitioner is 65 years old and has 45% disability

qua the lower limb. There is no other FIR pending against her. It is denied that she accompanied the prosecutrix to the doctor's clinic for abortion. He submits that no useful purpose would be served by arresting the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana and Mr. PKS Phoolka, Advocate appear on advance notice.

Learned counsel for the State submits that the allegations are serious. The pregnancy of the prosecutrix was forcefully terminated. He submits that custodial interrogation of the petitioner would be required in view of the allegations made in the FIR, more-so when there is a role attributed to the doctor also.

So far as contention of learned counsel for the petitioner with regard to six years' delay in lodging the FIR is concerned, same cannot be gone into at this stage. More so, fact regarding the nature of relationship and the way the things continued will have to be considered by trial Court. Prosecutrix was given assurance of marriage. The allegations against the petitioner are serious. Inspite of her age and disability, she was allegedly instrumental to ensure that conception is terminated even if it required a false assurance of marriage. The allegations need deeper probe for which custodial interrogation of the petitioner would be necessary.

No case is made out for grant of anticipatory bail.

The petition is dismissed.

However, it is made clear that anything observed hereinabove is only for the purpose of disposing of the present petition.

(AVNEESH JHINGAN)
JUDGE

30th December, 2020

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Whether speaking/reasoned
Whether reportable

Yes
Yes