

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-43750 of 2019

Date of Decision: 14.02.2020

Karan Chawla

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. S.P.S. Khaira, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

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 case FIR No.0133 dated 18.08.2019 under Sections 376, 354, 511 IPC registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib.

The aforesaid FIR was registered on the statement of the prosecutrix with the allegations that on 17.08.2019, the prosecutrix suffered an accident and therefore, she was brought to Civil Hospital, Fatehgarh Sahib for treatment. In the Operation Room, when the doctor went away after treating her, a fat boy (the petitioner) Karan Chawla came inside the

room, who firstly removed her sister-in-law from the Operation Room and then started molesting the prosecutrix. He bit her lips and removed her legging and started to touch her with finger. The prosecutrix started screaming and told the accused that she will tell her husband. The petitioner threatened her that in case she will tell this incident to anybody, he will kill her. At the same time, her husband and sister-in-law came and the accused suddenly disappeared. Later on, the prosecutrix came to know the name of the accused Karan Chawla, who was doing job in Civil Hospital.

On 16.10.2019, when this case was listed before this Court, following order was passed:-

“Learned counsel for the petitioner refers to the statement of the attending doctor who has commented upon the behaviour of the complainant and her husband, who was allegedly under the influence of liquor, have misbehaved with the para-medical staff.

Dr. Jiwanjot Kaur was the Medical Officer and was performing emergency duty on 17.08.2019 has made a statement that the petitioner who was a Ward Attendant was present in the hospital and was helping her. She further states that husband of the complainant has assaulted the Staff Nurse and the Ward Attendant with the active sport of his relatives.

Notice of motion for 14.02.2020.

Till the next date of hearing, arrest of the petitioner shall remain stayed.”

Learned State counsel, on instructions from SI Amanpreet Kaur Brar, submits that the matter has been looked into by the police and a Special Investigation Team was constituted and on the basis of evidence so

adduced, including recording of the statements of attending doctor, lady attendant, staff nurse, police officials on duty and the security guard, the SIT has come to a conclusion that no such incident of alleged molestation has taken place and accordingly, the police has prepared cancellation report in the matter.

In view of the fact that SIT constituted in the case has not found anything in the case and thereby, cancellation report has also been prepared, the present petition is rendered infructuous.

Accordingly, the present petition is dismissed as infructuous.

However, this Court cannot ignore the fact that number of times, such like false cases are registered. Had there been no fair investigation, the petitioner would have to face trial. The police authorities are at liberty to proceed against the prosecutrix for lodging a false case, in accordance with law.

February 14, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No