

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

213

**CRM-M-16603-2021  
Date of decision: 27.10.2021**

Mahindero Devi

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Kuldeep Singh Saini, Advocate  
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab  
for the respondent-State.

\*\*\*\*

**MANJARI NEHRU KAUL, J. (ORAL)**

The present petition has been filed under Section 438 Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in case FIR No.18, dated 23.03.2021, under Sections 323, 342, 354-B and 34 of the Indian Penal Code, 1860, registered at Police Station Hajipur, District Hoshiarpur.

Learned counsel for the petitioner *inter alia* contends that it is essentially a matrimonial dispute between the parties, which has resulted in the FIR in question. While referring to the contents of the FIR in question, learned counsel submits that a highly improbable story has been brought forth. He submits that as per the allegations levelled in the FIR in question, the petitioner, who is mother-in-law of the complainant, bolted her room from outside and thereafter, her husband inserted a wooden stick in her private parts, a part of which broke inside. Subsequently, the complainant walked all the way to her sister's house at Phagwara from Jalandhar on foot. Learned counsel submits

that it cannot be digested that had she actually been brutally assaulted as alleged and a wooden stick actually been inserted inside her private parts, she would have been able to walk for miles as the distance between Jalandhar to Phagwara is at least 25 kms, if not more. He further submits that thereafter she remained admitted from 19.03.2021 to 22.03.2021 at Civil Hospital, Phillour, however, strangely, no injury was noticed by any of the doctors. However, strangely it was on 22.03.2021, when she was referred to Civil Hospital, Jalandhar the doctors found a broken wooden stick measuring 6 cm inside her private parts. It has thus, been reiterated that on the face of it, the story which has been brought forth by the complainant, is a totally fabricated one, which does not appeal to ordinary prudence inasmuch as even assuming for the sake of arguments that indeed she had been brutally assaulted as alleged and a wooden stick been inserted inside her private parts, the attending doctors at Civil Hospital, Phillour would not have noticed the same. Learned counsel submits that even otherwise, the petitioner, who is mother-in-law of the complainant, has not been attributed any physical assault on the complainant.

Learned counsel for the petitioner has further submitted that pursuant to order dated 18.08.2021, passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Rakesh Kumar, has conceded that the petitioner has joined the investigation and submitted that custodial interrogation of the petitioner is not required.

In view of the above, the petition is allowed and interim

order dated 18.08.2021, is made absolute subject to the conditions laid down in Section 438(2) Code of Criminal Procedure, 1973.

27.10.2021

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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