

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-46627-2023 (O&M)  
Date of decision : 07.10.2023

Gurvinder Sharma ... Petitioner(s)  
  
Versus  
  
State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.S. Kamboj, Advocate for the petitioner.  
  
Mr. Adhiraj Singh Thind, AAG Punjab.  
  
Mr. Gopal Singh Nahel, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure for grant to anticipatory bail to the petitioners in FIR No.83 dated 27.05.2023 registered under Sections 307, 498-A, 406, 323, 506 and 34 IPC at Police Station Bhawanigarh, District Sangrur.
2. The brief facts relevant to the present case are that as per the complainant she was married to Gurwinder Sharma on 21.09.2018 and no child was born out of the wedlock. On 04.06.2022, the sister-in-law (nanad) came to the matrimonial house of the complainant and at that time the mother-in-law and brother-in-law were also present. The brother of the complainant along with his friend Jagtar Singh had come to the matrimonial

house of the complainant to hand-over some medications. The sister-in-law, mother-in-law and father-in-law of the complainant abused and insulted them and turned them out of the house. After about half an hour, the mother-in-law, sister-in-law and father-in-law gave beatings to the complainant and they also called the husband of the complainant on his mobile. At about 7 PM the husband of the complainant also came to the house. The husband picked up a rope lying in the courtyard and put the same around the neck of the complainant and tightened the same with an intention to kill the complainant. At that time, the sister-in-law is alleged to have held the arms of the complainant while the mother-in-law caught hold of the legs. The father-in-law attempted to put some poisonous substance in the mouth of the complainant with an intention to kill her. The complainant however managed to escape and locked herself in a room and thereafter called her brother who came and rescued her and got her admitted at Civil Hospital Samana.

3. It is apt to notice that the parents of the petitioner had filed a petition (CRM-M-36916-2023) for grant of anticipatory bail which was dismissed vide a detailed speaking order dated 10.08.2023 (Annexure P-20).

4. Learned counsel for the petitioner has laid much stress on the order passed in CRM-M-33577-2023 (Annexure P-19) to contend that the sister of the petitioner had been granted the concession of anticipatory bail by this Court vide order dated 17.07.2023. Learned counsel has further contended that the petitioner at the relevant time was not even present at the

house but was present at Civil Hospital, Bhawanigarh where his mother was taken at 07.25 PM. Learned counsel has further contended that rather no one was at home when the alleged incident is stated to have taken place. It is further the contention of learned counsel that initially an FIR was lodged by the brother of the complainant on the allegations of snatching and once the petitioner was granted bail in the said case, the present FIR was lodged.

5. Learned counsel for the State has pointed out to the Medico Legal Report (MLR) of the complainant which reveals six injuries, one being a ligature mark around the neck at the level of thyroid cartilage running around the whole circumference of the neck. There are five other injuries also. Learned counsel for the State has further pointed out that the sister of the petitioner who was granted the concession of anticipatory bail has been granted the concession on the ground that she does not reside in the said house, however, the bail application of the parents of the petitioner stands dismissed vide a detailed speaking order dated 10.08.2023 passed in CRM-M-36916-2023 (Annexure P-20). Learned counsel for the State has contended that the parents of the petitioner were on a better footing and yet their bail application was dismissed by this Court, hence, it is not a fit case for grant of anticipatory bail to the petitioner.

6. Heard.

7. In the present case the petitioner cannot draw any parity from the concession of anticipatory bail granted to his sister inasmuch as she was on a totally different footing as she is married and staying at her matrimonial

home. The petitioner in the present case is the husband of the complainant who is stated to have tried to strangle her. In the MLR six injuries have been reported which are reproduced as under :

| Sr. No. | Injury Details                                                                                                                                                                                          | Injury Number |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 1       | Ligature mark width approximately 3 cm present around the neck at the level of thyroid cartilage in form abraded contusion running around whole circumference of neck. Advice Xray neck and ENT Opinion | 1             |
| 2.      | Reddish Abraded contusion on size 13 x 3 CM over left scapular region. Advice Xray Left Scapula                                                                                                         | 2             |
| 3.      | Reddish Abraded contusion of size 8 x 1.5 CM over lateral aspect of right arm. Advice Xray Right Arm                                                                                                    | 3             |
| 4.      | Reddish Bruise over anterior aspect of Right Forearm. Advice KUO                                                                                                                                        | 4             |
| 5.      | Reddish Contusion over anterior aspect of Left Forearm. Advice Xray Left Forearm.                                                                                                                       | 5             |
| 6.      | Reddish Contusion over posterior aspect of Left Forearm. Advice Xray                                                                                                                                    | 6             |

8. A ligature mark of approximately 3 cms width around the neck at the level of thyroid cartilage running around the whole circumference of the neck prima facie supports the allegations made in the FIR.

9. The argument of learned counsel for the petitioner that the petitioner was present at Civil Hospital, Bhawanigarh at 07.25 PM cannot be accepted at this stage since neither the MLR nor any other document is available which would support the stand of the petitioner that he was present at the hospital.

10. The argument raised by learned counsel for the petitioner that the present FIR was lodged only after the petitioner was granted bail in the FIR lodged by the brother of the complainant wherein allegations of snatching have been made also cannot be accepted as in the present case the date of the occurrence is stated to be 04.06.2022. The MLR was also conducted on the same day i.e. on 04.06.2022 and a complaint was also given on the very same day. A perusal of the FIR (Annexure P-1) reveals that it has been stated under the heading “Police Action” that on 04.06.2022 a medical *ruqa* was received from the Government Hospital, Samana that the victim Harpreet Kaur was admitted in Government Hospital, Samana for treatment due to quarrel at home. The statement of the victim was also recorded on the same day and thereafter the statement was kept for investigation.

11. In view of the above, I do not deem this to be a fit case for grant of anticipatory bail to the petitioner. The present petition is accordingly dismissed. Pending applications, if any, also stand disposed off.

12. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

07.10.2023

Yogesh Sharma

( ALKA SARIN )

JUDGE

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO