

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

CRM-M No.54275 of 2023 (O&M)
DATE OF DECISION : 14.11.2023

Harjinder Singh and AnotherPetitioners

versus

State of Punjab and AnotherRespondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Karanjeet Singh Brar, Advocate for the petitioners

ALKA SARIN, J. (Oral):

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in FIR No.79 dated 14.09.2023 under Sections 498A, 354B, 148, 149 of the Indian Penal Code, 1860 (IPC) and Section 307 IPC added later on vide Rapat No.34 dated 06.10.2023 registered at Police Station Lako Ke Behram, District Ferozepur.

2. Learned counsel for the petitioners would contend that the petitioners are the in-laws and they have falsely been implicated in the case. It is further the contention that the petitioners reside separately and had no role to play. It was an altercation which had taken place between the

husband and the wife, however, the family members have unnecessarily been dragged into the said controversy.

3. Notice of motion.

4. Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent No.1-State of Punjab while Ms. Sunita Chauhan, Advocate has accepted notice on behalf of respondent No.2-complainant.

5. Learned counsel for the complainant has pointed out that the marriage of the parties took place on 10.11.2021. In May 2022 the complainant was given beatings at her sister-in-law's place. A complaint was given regarding the same. However, subsequently, a compromise was entered into. A similar incident took place on 30.08.2022 when the complainant was in her first trimester. Even then a compromise was entered into and the complainant was sent to her matrimonial home. Thereafter, the present incident took place. The learned counsel has referred to the MLR which refers to nine injuries including a bruise of 16x0.5 cm on the front of the neck. There are other injuries as well as a bite mark on the right thigh.

6. Learned counsel for the State has also vehemently opposed the grant of anticipatory bail in the present case since the complainant was brutally attacked by the in-laws and her husband.

7. Heard the learned counsel for the parties.

8. In the present case the FIR was registered on the statement of the complainant wherein she stated that her marriage was solemnized two years ago with Baljit Singh, son of the petitioners. There is one daughter

born out of the wedlock who is about six months old. It is further the allegation that after the marriage the family of the in-laws started taunting her. It is further the allegation that during the period of two years, her father-in-law and mother-in-law i.e. the present petitioners herein and her husband had beaten her up many times and had thrown her out of the house. Some times Panchayats were convened and her parental family sent her back to the in-laws' house. On 10.09.2023 her mother-in-law Gurwinder Kaur, petitioner No.2 herein, and father-in-law Harjinder Singh, petitioner No.1 herein, told her that her parents had not given enough gold bangles at the time of the *Baraat* and had also not given gold *Kara*. She told them that her parents had given everything. When she was feeding her daughter at about 10.00 pm her husband and the petitioners herein came into the room while she was lying on the bed. Petitioner No.2 put a *Dupatta* around her neck and her husband started giving her fist blows continuously with an aim to kill her. Her mother-in-law told the husband that the complainant had many times been told that no bangles were given at the time of the marriage nor a gold *Kara* was given whereas her father is posted with the police. Thereafter, her father-in-law i.e. petitioner No.1 herein started moving the *Dupatta* and told her husband that today they would kill her. The mother-in-law (petitioner No.2) is also stated to have given the complainant fist blows which hit below the right eye. Her father-in-law is alleged to have twisted her left arm and her husband had bitten her on the thigh. She somehow managed to pull the *Chunni* and removed the same and ran outside raising noise "*mar ditta mar ditta*". When her *Taya Sasur*, brother of the father-in-law, namely Des Singh and second *Taya Sasur* Mukhtiar Singh came to her

house they are also stated to have joined hands with the petitioners. Meanwhile, the public gathered there and the petitioners managed to escape from the place of occurrence. Thereafter the *Mama Sasur* (maternal father-in-law), who also came there, took her to the hospital.

9. The allegations made in the FIR co-relate with the injuries as stated in the MLR, a copy of which has been handed over to the Court during the course of hearing. There are nine injuries and each one of the injuries co-relates with the allegations levelled in the FIR. A specific opinion was given by the Medical Officer that “*according to injury No.1 i.e. bruise of 16x0.5 cm on front of neck, possibility of threat of life cannot be ruled out*”.

10. Keeping in view the seriousness of the allegations and the injuries received by the complainant, I do not find this to be a fit case for grant of anticipatory bail. The petition is accordingly dismissed. Pending applications, if any, also stand disposed off.

14.11.2023
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(ALKA SARIN)
JUDGE

<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
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