



CRM-M-8057-2024 (O&amp;M)

- 1 -

221 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-8057-2024 (O&M)  
DATE OF DECISION : 21.05.2024

PARMINDER SURI @ PARMINDER KAUR AND ANOTHER  
... PETITIONERS

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. S.S.Gill, Advocate for  
Mr. Kshitij Sharma, Advocate for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

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**HARPREET KAUR JEEWAN, J. (ORAL)**

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioners in case FIR No.147 dated, 01.12.2023, registered at Police Station Nakodar Sadar, District Jalandhar, under Sections 376, 506, 315, 34 of the IPC and Section 3 and 4 of the Protection of Children from Sexual Offences, Act, 2012.

2. On 02.04.2024 following order was passed:

“xxxx Learned counsel for the petitioners inter alia contends that after registration of FIR No. 147 at Police Station Nakodar, another FIR No. 150 dated 15.12.2023, under Section 315 of the IPC read with Section 34 thereof was registered and thereafter, General Diary entry dated 03.01.2024 (Annexure P-3) was made and FIR No. 150 was treated as zero FIR and the investigation is being taken up only in FIR No. 147 whereby the petitioners have been wrongly implicated with the aid of Section 315 of the IPC read with Section 34 thereof.

3. It is further contended that the said FIR was registered at the instance of the prosecutrix even implicating her mother also. The petitioner No. 1, has a faint re-collection (that too



referring to the records of the hospital) that on 04.12.2023 the prosecutrix along with her family members, including her mother came with the complaint of abdominal pain. None of the members stated that the prosecutrix is pregnant, as such, there was no reason for the petitioners otherwise to suspect that she is pregnant. Both the petitioners are medical practitioners and they did not suspect any foul-play by the family members of the prosecutrix.

4. He further contends that petitioner No. 1 was told that the prosecutrix was suffering from abdomen pain and she was given medicines 'Ofloxacin Oz, Domperidone MD, Buscogast and Pantisec D' and sent off. The prosecutrix was also advised to get her blood test done. Again on 06.12.2023 the prosecutrix came and she was profusely bleeding. Faced with this situation, petitioner No. 1 administered first aid and life-saving treatment and also advised ultra-sound to her. The prosecutrix left thereafter to get ultra-sound done but thereafter, she never returned back for the reasons best known to her.

5. Notice of motion.

6. Having received advance copy of the petition, Ms. Himani Arora, A.A.G., Punjab, accepts notice on behalf of the respondent-State and filed a status report, dated 02.04.2024 by way of an affidavit of Sh. Kulwinder Singh, PPS, Deputy Superintendent of Police, SubDivision Nakodar, District Jalandhar (Rural), in Court today. The same is taken on record.

7. As per the aforesaid status report, initially the FIR was registered against accused Pardeep Kumar @ Jakhu, on the basis of the statement of the prosecutrix MKxxx, who levelled allegations of commission of rape against him. He is yet to be arrested by the police. It is further alleged in the status report that as per the statement recorded under Section 164 Cr.P.C. of the prosecutrix/victim, she has alleged commission of rape by Pardeep Kumar @ Jakhu and she has also alleged that her abortion was conducted at XX hospital, Amritsar by the accused namely Shindu, Jagdeep Kumar @ Vicky, Rajni, Chander Prabha and 02 lady doctors.

8. Learned counsel for the petitioners contends that the petitioners were neither named in the FIR nor in the statement recorded under Section 164 Cr.P.C. They are ready to join the investigation.

9. Counsel for the petitioners further contends that petitioner No. 1 is 70 years of age and she is suffering from brain clotting and has been recently operated on 01.04.2024, i.e.



yesterday at Amritsar. Petitioner No. 2 is the daughter-in-law of petitioner No. 1. Both are medical practitioners and they have nothing to do with the allegations levelled by the prosecutrix.

10. The State counsel has confirmed that as per the aforesaid status report, for identification of the petitioners, the State has only relied upon the statement of the husband of petitioner No. 1, which was recorded during the investigation, who stated that the petitioners are working in the said hospital.

11. Adjourned to 21.05.2024.

12. In the meantime, keeping in view the aforesaid facts and circumstances of the present case, petitioner No. 2-Darpan Bansal is directed to join the investigation within 10 days from today; however due to health condition of petitioner No. 1- Parminder Suri @ Parminder Kaur, one month time is granted to her to join the investigation. In the event of the arrest of the petitioners, they shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to their furnishing bail bonds and surety bonds, and also subject to the following conditions:-

(i) That the petitioners shall further make themselves available for interrogation by a police officer as and when required.

(ii) That the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iii) That the petitioners shall not leave India without the prior permission of the Trial Court/CJM concerned.”

3. Learned counsel for the petitioners contends that the petitioners have joined the investigation in compliance of the order passed by this Court.

4. Learned State counsel, on instructions from ASI Major Singh, has confirmed that petitioner No.1 has joined investigation on 01.05.2024 and petitioner No.2 has joined investigation on 09.04.2024. State counsel further informs that custodial interrogation of the petitioners is not required.

5. In view of the aforesaid facts and the reasons recorded in the

**CRM-M-8057-2024 (O&M)****- 4 -**

order dated 02.04.2024 and keeping in view the fact that the petitioners have joined investigation, their custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 02.04.2024 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

**21.05.2024**

Janki

**(HARPREET KAUR JEEWAN)****JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*