



CRM-M-41725-2024

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

CRM-M-41725-2024

Date of decision: 19.09.2024

Shama Parveen @ Samma Praveen

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Abhishek Khullar, Advocate for the petitioner.
Ms. Manjot Kaur, AAG, Punjab.

GURBIR SINGH, J (ORAL)

1. This is first petition that has been filed under Section 482 of BNSS for the concession of anticipatory bail in case FIR No. 117 dated 30.12.2023 under Section 326-A of IPC registered at Police Station Daresi, District Ludhiana.

2. The case was registered on the statement of Parvez Alam that he was residing with his family. He had 3 children. He was working in a private factory. On 10.12.2023 at about 10 A.M, his wife asked his daughter, namely, Fatma to wash utensils and while she was washing utensils, the petitioner, who was residing in their neighborhood, came there and asked as to who started the electricity motor, then his daughter told the petitioner that she has not started. The petitioner hit his daughter on her head with a stick. He and his wife had abusive quarrel with the petitioner,

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the petitioner got angry and threw a pot containing boiling/hot water on his daughter, due to which most of the part of the body of his daughter got burnt. Thereafter, the complainant took his daughter to the Civil Hospital where they referred her daughter to Government Hospital, Sector 32, Chandigarh. His daughter was discharged on 23.12.2023 and when both the complainant and his wife reached Ludhiana then talks to compromise the matter were going on, but they refused to compromise. Hence, the present case was registered.

3. Learned counsel for the petitioner submits that the alleged occurrence has taken place at the spur of the moment and there was no intention on the part of the petitioner to cause injury to the daughter of the complainant. The petitioner is a pregnant lady and is expecting delivery on 1.1.2025. The medical record of the petitioner is annexed as Annexure P-2. The incarceration of the petitioner would be a gross danger to the life of fetus. No recovery is to be effected from the petitioner. She is also mother of two children and had never intended to harm any child. Counsel for the petitioner has placed reliance upon the judgments passed by this Court in ***CRM-M-60285-2023*** titled as ***Amanjot Kaur Vs. State of Punjab*** and in ***CRM-M-62166-2023*** titled as ***Komal Vs. State of Haryana***.

4. Mr. Manoj Tanwar, Advocate appears and filed his Vakalatnama on behalf of the complainant and the same is taken on record. He has opposed the bail to the petitioner on the ground that the allegations

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against the petitioner are serious in nature as serious burn injuries were caused to a minor child.

5. Learned State counsel has filed the status report by way of affidavit of Devinder Kumar, PPS, Assistant Commissioner of Police (North) Ludhiana on behalf of the respondent-State. The same is taken on record. She has submitted that minor girl is of 9 years old and was burnt by throwing boiling/hot water, which caused injuries on the major part of the body of the child. It is further submitted that petitioner is fled to her native place, which is in Bihar and whereabouts are even not known and thus, the petitioner is not entitled for anticipatory bail.

6. I have heard the submissions made by the learned counsels for the parties and have gone through the record.

7. Keeping in view the fact that the girl is about 9 years old and major part of the body of the girl has been burnt. The allegations against the petitioner are very serious and it has shaken the conscious of the Court. The poor victim neither provoked the petitioner nor said anything to the petitioner rather she only replied that she had not started the electric motor and petitioner first caused injury with the stick on the head of the victim and after quarelling with parents of the victim, the petitioner threw the boiling hot water from pot at the victim. If offence is serious in nature, then a person is not entitled for anticipatory bail even if no recovery is to be effected. The medical certificate produced by the petitioner shows that the



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petitioner is now pregnant and expected date of delivery is 01.01.2025 but it does not suggest that petitioner is having any medical problem of such nature that she cannot surrender to the police. Medical certificate is of Vishakhapatnam. The occurrence took place in December, 2023. After the occurrence, petitioner fled away and police is not even able to find her at her native place. In such circumstances, the petitioner is not entitled to anticipatory bail. Authorities cited by the learned counsel for the petitioner are of no help to the petitioner as one of authority is with regard to the regular bail.

8. In view of the above, petition stands dismissed.
9. However anything stated above is only for the purpose of deciding this petition and has no effect on the merits of the case.

(GURBIR SINGH)
JUDGE

19.09.2024

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