
(2021) 10 P&H CK 0130

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 44334 Of 2021

Gurmail Singh

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision : 22-10-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 292, 351, 354, 509

Citation : Mohd. Jameel, Saurav Khurana

Bench : Single Bench

Advocate : Vikas Bahl, J

Final Decision : Dismissed

Judgement

Vikas Bahl, J

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.146 dated 13.09.2021, under Sections 354, 292, 509 of IPC, registered at Police Station Amargarh, District Sangrur.

Brief facts of the prosecution case are that the present FIR was registered on the statement of Harpreet Kaur, wife of Parminder Singh, who has stated that she was working as a trainer of IELTS in Passion Education Centre at Amargarh Branch, District Malerkotla, which had two partners and one of the partners was Gurmail Singh (petitioner). On 11.09.2021, at about 9.30 a.m., the complainant had gone for her job at her workplace but the students had not come due to rain. At about 12.30 p.m., the petitioner told the complainant that there is one Institute which is situated at village Bugga, where training is going on and where other teachers have also come and asked the complainant to go with him and the complainant after taking permission from her husband, went along with the petitioner. At about 4.00 p.m., when the classes were completed, the petitioner along with the complainant got into the Alto car of the petitioner to go back to Amargarh and on the way, the petitioner changed the route and started talking obscenely with the complainant and kept on using obscene language, in spite of

the complainant trying to stop the petitioner from doing the same and thereafter, placed his hand on the thigh of the complainant and then on her chest and when the complainant raised objections, the petitioner threatened to kill the complainant and stated that in case she wants to continue to work in his Institute, then she would have to follow his orders. The complainant got scared and depressed and after alighting from the Alto car, called her husband, who came on the motorcycle and took her with him and thereafter, she informed her husband about the incident.

Learned counsel for the petitioner has submitted that the present FIR is, in fact, a counter-blast to FIR No.148 dated 14.09.2021, which has been registered by the petitioner against the complainant, her brother and her husband. It is further submitted that in fact, the said persons had caused eight injuries to the petitioner and the petitioner was initially unfit to give the statement and could only give a statement on 14.09.2021, on the basis of which FIR No.148 dated 14.09.2021 was registered. Learned counsel for the petitioner has further submitted that in fact, the husband and brother of the complainant and the complainant had beaten up the petitioner as they were not being made partners in the firm. It is further submitted that there were three other unidentified persons who had beaten up the petitioner.

This Court has heard the arguments of learned counsel for the petitioner and perused the record.

The allegations made in the FIR are very serious and they would come within the purview of Section 354 of IPC read with Section 351 of IPC. Sections 354 and 351 of IPC are reproduced hereinbelow:-

"354. Assault or criminal force to woman with intent to outrage her modesty.-Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, [shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine.]

351. Assault.-Whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

Explanation.-Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to any assault."

No person, howsoever high a post they may hold, would have a right to treat their female employees in the manner the petitioner has treated the complainant as per the version in the FIR. The fact that the complainant along with her husband and brother and other persons had beaten up the petitioner, would in

fact give credence to the version of the complainant that her modesty had been outraged. This Court sees no other reason as to why the husband and brother of the complainant as well as the complainant herself, would beat up the petitioner and the version given by the petitioner to the effect that they were not being made partners and, therefore, had given beatings to the petitioner does not inspire much confidence.

Keeping in view the above-said facts and circumstances, this Court is of the view that the present petitioner does not deserve the concession of anticipatory bail.

Accordingly, the present petition is dismissed.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.