



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-60628-2024 (O&M)  
Date of Decision:24.03.2025

Raj Kumar

.....Petitioner

Versus

The State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Mr. Dhruv Gupta, Advocate for the petitioner.

Mr. P.S. Bhandari, AAG, Punjab.

Mr. Virender Partap Singh, Advocate for the complainant.

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**JASGURPREET SINGH PURI J.(Oral)**

1. Status report filed on behalf of respondent-State, is taken on record. A copy of the same has been supplied to counsel opposite.
2. Learned counsel for the petitioner submitted that the status report filed by way of affidavit on behalf of respondent-State has been perused by him.
3. The present FIR was lodged on the basis of the statement made by the complainant on 15.11.2024 wherein she stated that she was present in her house and her husband and children were also at home when one Rishma, wife of Ajay Kumar, started talking to her. After that, the present petitioner, namely Raj Kumar, while verbally abusing her, came to her house in the *verandah* and behind him, another co-accused, namely Pankaj, came. At about 08:30 pm, the present petitioner raised a lalkara and said,



“catch hold of her to teach her a lesson for closing the bore water.” In the meantime, co-accused Pankaj caught her by the hair, gave her fist blows, and banged her against the wall. She tried to run away, but the present petitioner, Raj Kumar, with the intention to outrage her modesty, grabbed her shirt by the neck and tore it, due to which some nail marks were also present on the chest of the complainant.

4. Learned counsel appearing on behalf of the petitioner submitted that this is a case of a scuffle between two parties due to political rivalry, as recent elections were held in the village of Bhabbar, where the wife of the petitioner was elected as a member of the Gram Panchayat of the said village and due to this political rivalry, the aforementioned scuffle took place, in which there was neither any motive nor any intention to outrage the modesty of any woman. He also submitted that there were no nail marks on the chest of complainant and even according to some of the reports from the doctors, there were some bruises on the body of the complainant, which may have resulted from the scuffle. However, no motive or intention has been attributed to the present petitioner, especially considering that all the family members of the petitioner were at his home when the scuffle occurred.

5. Learned counsel also submitted that when notice of motion was issued by this Court on 04.12.2024, the petitioner was directed to join the investigation and was granted interim bail. In pursuance thereof, he has already joined the investigation and has fully cooperated with the investigation process. Therefore, the interim bail granted to the petitioner may be made absolute.



6. On the other hand, learned State counsel, on instructions from ASI Sunder Singh, submitted that in pursuance of the aforesaid order passed by this Court on 04.12.2024, the petitioner has already joined the investigation. He further submitted that since the allegations against the petitioner are serious in nature, pertaining to attempt to outrage the modesty of a woman by grabbing her shirt, the petitioner does not deserve the concession of anticipatory bail.

7. Mr. Virender Partap Singh, Advocate, has caused appearance on behalf of the complainant and filed his Memorandum of Appearance, which is taken on record. He submitted that although it is not in dispute that there were recent elections in the Gram Panchayat of Village Bhabbar but the petitioner with the motive and intention, outraged the modesty of the complainant. Regarding this, even photographs and the medical report depict that there were scratches and bruises on the body of the complainant, which will also go to show that the petitioner, with a calculated design, had outraged the modesty of the complainant .

8. I have heard the learned counsels for the parties.

9. It is a case where, as per the allegations, the complainant was at his house along with his family members when a fight took place. According to the allegations, the role attributed to the present petitioner was that he had grabbed the shirt of the complainant, and there were nail marks on the body of the complainant as well. The learned counsel for the petitioner has argued that there was political rivalry between the parties, and as far as the elections in the Gram Panchayat of the village are concerned, the same has not been disputed by the learned State counsel and



the learned counsel for the complainant. It is also stated by learned counsels for the parties, and even as per the FIR, the family members of the petitioner were also present at the time of the scuffle. As to whether there was any intention to outrage the modesty or not, that can only be seen at the time of trial.

10. Learned State counsel has categorically stated, based on his instructions, that in pursuance of the orders passed by this Court on 04.12.2024, the petitioner has already joined the investigation. However, he has opposed the grant of bail to the petitioner on the ground that the allegations leveled against the petitioner are serious in nature, pertaining to outrage of the modesty of a woman.

11. After hearing learned counsels for the parties, this Court is of the considered view that when the petitioner, in pursuance of the orders passed by this Court, has already joined the investigation, then the mere fact that the allegations against the petitioner are serious, pertaining to the outrage of the modesty of a woman, cannot, by itself, be a ground for denying bail to the petitioner, especially when even the family members of the petitioner were present at the spot. While considering the grant of anticipatory bail to the petitioner, this Court must strike a balance between the allegations against the petitioner on one hand and the right to liberty under Article 21 of the Constitution of India on the other hand. Considering the aforesaid totality of circumstances, this Court is of the view that the right to liberty of the petitioner outweighs the alleged role of the petitioner in the present case.

12. In view of the aforesaid facts and circumstances, the present



petition is allowed. The order dated 04.12.2024 passed by this Court is hereby made absolute.

**(JASGURPREET SINGH PURI)**  
**JUDGE**

**24.03.2025**

*shweta*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No