

CNR PBBT01-008846-20223.

CIS BA-2752-2023.

Date of order:16.08.2023.

State versus Dhan Kaur alias Dhanguriya

Present: Sh.Jaswinder Singh Tungwali, learned Advocate for applicant.
 Sh.Aseem Goyal, learned Public Prosecutor for the State
 assisted by Shri Kulwant Singh Sidhu, learned Advocate for
 complainant.

ORDER

1) This order of mine shall dispose of first bail application filed by the accused/ applicant seeking regular bail under section 439 Cr.P.C. in the FIR No.114 dated 20.06.2023 u/s 306, 120-B IPC, Police Station Talwandi Sabo, Bathinda.

2) Notice of the bail application was given to the prosecution and Sh.Aseem Goyal, learned Public Prosecutor for the State has appeared to contest the bail application. Police record has been received, which is seen and returned.

3) Shri Jaswinder Singh Tungwali, learned counsel for the applicant/ accused has argued that latter has been falsely implicated in the present case. The allegations levelled in the FIR are false and baseless. No offence under section 306 IPC is made out against the accused/applicant. The accused/ applicant has given birth to a child and she is in hospital. There is no instigation, aid or abetment on the part of applicant. She is in custody since long. With these submissions, he has submitted that applicant/ accused may be granted the concession of regular bail.

4) Per-contra, Sh.Aseem Goyal, learned Public Prosecutor for the State assisted by Shri Kulwant Singh Sidhu, learned Advocate for

complainant has argued that there are serious allegations against the applicant/ accused. Keeping in view the nature of allegations, applicant is not entitled for the concession of bail.

5) I have heard rival contentions of both the sides and perused the record.

6) The instant case has been registered on the basis of statement of Tej Kaur on the averments that her husband has been plying Mahindra Pickup vehicle. They have five children. Their youngest daughter Amandeep Kaur is minor. On 11.5.2023, she was enticed away by Charanjit Singh son of Labh Singh. On the basis of statement of her husband Paramjit Singh, FIR No.84 dated 14.5.2023 u/s 363, 366-A IPC was registered in police station Talwandi Sabo but Charnajit Singh could not be arrested till date nor her daughter has been recovered by the police. They are trying to search for their daughter. Police conducted raids at the house of Charanjit Singh. Gurcharan Singh, Ex-MC (who has been residing with Gurdev Kaur wife of Labh Singh of their locality for a sufficient long time) alongwith Gurdev Kaur wife of Labh Singh, Baltej Singh and Lachhmi Kaur wife of Janta Singh used to visit their house and utter abuses to them that due to the complainant and her husband, the police has been conducting raids at their house. She has having firm belief that Cahranjit Singh after enticing away her daughter has kept her concealed with the help of Dhan Kaur wife of Sarbi Singh. Charanjit Singh is in continuous touch with Gurcharan Singh, MC, Gurdev Kaur, Baltej Singh and Lachhmi Kaur and said Charanjit Singh and Dhan Kaur are instigating Gurcharan Singh, Ex.MC and others to humiliate the complainant

and her family so that they may not pursue the case against Charanjit Singh. They way the accused persons were insulting them in the society. On 17.06.2023, Gurcharan Singh and Baltej Singh went to the taxi union Talwandi Sabo, where her husband used to park his vehicle and they humiliated him (husband of complainant) and uttered abuses to him and also misbehaved with the members of union by uttering abuses and in this regard. Again on 19.6.2023, Gurcharan Singh, Ex.MC armed with Danda, Baltej Singh, Gurdev Kaur and Lachhmi Kaur came in front of their house and uttered abuses and accused Gurcharan Singh and Baltej Skingh raised Lalkaras and warned the complainant to come out of the house by saying that his son-in-law has come and his second daughter has to be taken along and as such, the husband of complainant felt very harassed, humiliated and defamed and on the next morning, her husband committed suicide by consuming some poisonous substance and ended his life.

7) As per the prosecution version, Charanjit Singh enticed away the daughter of complainant and deceased. In this regard, FIR No.84 dated 14.5.2023 u/s 363, 366-A IPC was registered in police station Talwandi Sabo against Charanjit Singh. It is alleged that the police started raiding in the house of Charanjit Singh and other co-accused, due to which they started threatening the complainant and the deceased. It is the version of the complainant that accused uttered abuses to the deceased and due to which he felt humiliated and committed suicide. Applicant is in custody since 26.07.2023. The accusation against the applicant are the mater of trial. Nothing is to be recovered from the accused as she is in judicial custody.

The presentation of challan and conclusion of trial will take long time. Therefore, no useful purpose will be served by keeping the accused in custody for an indefinite period.

8) Hence, without commenting upon the merits of main case, applicant/ accused is ordered to be released on bail on her furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of Illaqa/ Duty Magistrate subject to condition that she shall appear on each and every date of hearing; she shall not leave the country without prior permission of the Court and she shall not induce the prosecution witnesses. A copy of this order be sent to the learned Illaqa Magistrate for compliance. File be consigned to the record room.

Pronounced in the Open Court:
Dt.16.08.2023.

(Dinesh Kumar Wadhwa),
Additional Sessions Judge,
Bathinda (UID:PB-0445).

Kulwinder Singh,
Stenographer(Grade-II).