

PBGD010068702018



Presented on : 08-10-2018
 Registered on : 08-10-2018
 Decided on : 22-10-2018
 Duration : 0 years, 0 months, 14 days

IN THE COURT OF
Additional Sessions Judge
At, Gurdaspur
(Presided Over by Dr Ram Kumar Singla)

BA/2753/2018

Plaintiff Name(PROSECUTION):

Harpreet singh

Through Police Station Officer Civil Lines Batala

New Dashmesh Nagar, Batala Tehsil Batala, District Gurdaspur
 Gurdaspur

2: Paramjit Kaur

3: Nagi @ Inderjit Singh Nagi

Harpreet singh

VERSUS

Defendent Name:

State

Present: Sh. Joginder Singh Randhawa, Advocate for accused-applicants.

Sh. Vikram Kashyap, Additional PP for the State, assisted by Sh.

Gurmukh Singh Randhawa, Advocate counsel for the complainant.

FIR No. 0205 dated 07.09.2018

Under Sections 326, 498-A, 325, 323, 34 of Indian Penal Code

P.S. Civil Lines Batala.

(Delivered on 22-10-2018)

ORDER

Police record has been received. Sh. Gurmukh Singh Randhawa Advocate has filed Vakalatnama/ Power of Attorney on behalf of the complainant. Arguments have been heard on anticipatory bail of above referred applicants in the aforesaid FIR No. 0205 dated 07.09.2018 for the offence punishable under sections 326, 498-A, 325, 323, 34 of Indian Penal Code, Police Station Civil Lines Batala.

2. Briefly, the facts and circumstances on record necessary to be detailed herein for disposal of present anticipatory bail of the accused/ applicants Harpreet Singh, Paramjit Kaur and Nagi @ Inderjit Singh Nagi are that the present case was registered at the instance of Sukhwinder Kaur (hereinafter called complainant), whereby she put the version that her marriage was performed about 1-1/2 years ago from 04.09.2018 with Harpreet Singh accused/applicant. However, the entire family of her in-laws had started to harass her from very beginning of that marriage. She was got pregnant from her husband Harpreet Singh accused/applicant, but her in-laws with intention to abort her pregnancy got some medicine for the complainant from one Nagi accused/applicant who was used to reside at the residence of her in-laws. Her mother-in-law Paramjit Kaur accused/applicant was used to harass her with the pretext that she will perform second marriage of her son with some one else.

3. On 26.08.2018 the complainant came back to her in-laws from her parents after performing the ceremony of Rakhri, as and when she came to her in-laws, the entire family of her in-laws passed comments on her and raised a demand of Rs. 1,00,000/- from her parents, but they

showed their inability to arrange that sum for them.

4. Thereafter, on 31.08.2018 she was badly beaten up by the family of her in-laws whereby her mother-in-law Paramjit Kaur accused/applicant dragged the complainant while catching her hair. Her husband Harpreet Singh accused/applicant gave kick blows and fist blows at her person. The said Nagi accused/applicant had also beaten up the complainant with a bat (Thapi). She was fell down the ground. Her husband Harpreet Singh again had also beaten up the complainant with a wiper by putting the blows of that at her shoulders and legs. The said allegations initially led to registration of FIR for the offence punishable under sections 323, 325 read with section 34 of the Indian Penal Code. However, vide DDR No.32 dated 30.09.2018 the offence was enhanced for the offence under section 498-A and 406 of the Indian Penal Code. Aggrieved therefrom the accused/applicants Harpreet Singh, Paramjit Kaur and Nagi @ Inderjit Singh Nagi have preferred their present anticipatory bail application.

5. The learned counsel for the accused/applicants has argued that all the allegations against the present accused/applicants are false and frivolous. They are ready to join the investigation proceedings and entitled to concession of anticipatory bail to them. Initially, on registration of said FIR they were admitted on bail, but lateron with the enhancement of offence punishable under sections 406, 498-A of the Indian Penal Code they have sought their anticipatory bail. Otherwise, no offence has been made out by the police for the offence punishable under section 326 of the Indian Penal Code.

6. The learned Additional PP for the State assisted by learned counsel for the complainant has replied that the gravity of offence does not warrant the concession of anticipatory bail to the present accused/applicants. The weapons of offence are yet to be recovered which can only be recovered by way of their custodial interrogation. Therefore, the accused/applicants are not warranting the concession of anticipatory bail to them.

7. **Having heard to their rival contentions**, and have gone through the aforesaid episode of crime reflecting the allegations of harassing the complainant by raising the demand of dowry since the very beginning of her marriage and rather further harassed her qua her pregnancy, whereby at the instance of accused/applicant Nagi, a medicine was got served to the complainant for her abortion. In addition to that, all the three accused/applicants brutally beaten up the complainant by causing vital part injuries at her person. To such allegations, the weapons of offence as used in that occurrence could only be recovered by way of their custodial interrogation, which will also be helpful to bring the truth on surface and to culminate the investigation proceedings at some logical end by the recovery of weapons of offence from them. Moreover, the applicant suffered the harassment from her owns and that too within the boundary wall of her house. Therefore, the accused/applicants are not entitled to the concession of exceptional circumstances i.e. anticipatory bail to them.

8. Consequently, without commenting upon the merits of the case, the present anticipatory bail application of the aforesaid accused/

applicants is hereby declined. Police record be returned. Bail file be
consigned to the record room.

Date : 22-10-2018

(Dr Ram Kumar Singla)
Additional Sessions Judge,
Gurdaspur (UID No. PB0122)

Dictated on : 22-10-2018
Transcribed on : 22-10-2018
checked on : 22-10-2018
Signed on : 22-10-2018

(Dr Ram Kumar Singla)
Additional Sessions Judge,
Gurdaspur (UID No. PB0122)

Shiv Kumar Stenographer-I