

PBGD010074262023



Presented on : 11-09-2023

Registered on : 11-09-2023

Decided on : 15.09.2023

**IN THE COURT OF Sh. AJIT PAL SINGH
ADDITIONAL SESSIONS JUDGE, GURDASPUR.
Unique Identification Code No. (PB0226)**

Computer generated No. BA-3028-2023

Bail application no. 481 of 11.09.2023

Date of order: 15.09.2023

Gurjinder Singh son of Atma Singh resident of Jethuwal Tehsil and
District Amritsar.

---Accused/applicant

Versus

State of Punjab.

FIR No. 149 dated 17.08.2023

U/s 498-A/406/323 IPC

P.S. Dinanagar

1st BAIL APPLICATION U/S 438 CR.P.C

Present: Sh. Parshant Rao Adv. counsel for accused/applicant.
Sh. Hardeep Kumar, Addl.P.P for the State.

O R D E R

1. This order of mine shall dispose of bail application moved
under Section 438 Cr.P.C on behalf of above said accused/applicant
Gurjinder Singh for releasing them on bail in aforementioned FIR.

2. Notice of bail application was given to State, consequent
upon which learned APP for the State has put in appearance. Record has
been received and perused.

3. In brief, prosecution story is that present case was
registered on the basis of an application moved to SSP, Gurdaspur by

Reetu wife of Gurjinder Singh, wherein she stated that her marriage was solemnized on 17.02.2022 with Gurjinder Singh. After some days of her marriage, her in laws started harassing her on the demand of dowry and they used to give her beatings. Earlier also, she moved applications to SSP, but the compromises were effected with the intervention of respectables in which they assured that they would not give beatings to her. She went to her in laws house, but after some days, they again raised demand of dowry and gave her beatings. On 10.04.2023 gave her beatings. Her husband, parents in law, sister in law and husband of her sister in law tried to kill her by strangulating her neck. On 12.04.2023 her mother and sister came to her in laws house to meet her and she disclosed to them regarding beatings, then her in laws family also gave abuses to her mother and sister and she came to her parents house along-with them. Upon the said application, enquiry was conducted and ultimately, present case was registered.

4. I have heard the learned counsel for accused-applicants, learned APP for the State and have also perused the record very minutely with their able assistance.

5. Learned counsel for accused-applicant has argued that accused-applicant is innocent and has been falsely implicated in the present case. It has been further contended that no dowry articles were ever demanded or taken by the accused-appellant nor he had ever harassed her and there is no any evidence of entrustment of dowry articles. The soon after the marriage, the behaviour of the complainant was not good towards the accused/applicant and his family as she was

not interested in performing her marital duties. Even as per alleged version of FIR, no any specific demand of dowry, date, time has been mentioned regarding alleged demand of dowry. It has been further contended that no offence under Section 498-A/406/323 IPC are made out against the accused-applicant. It has further been submitted that accused-applicant will abide by all the terms and conditions as imposed upon him and he is ready to join the investigation. Finally learned counsel for accused-applicant has prayed for grant of anticipatory bail.

6. Learned Additional PP for the State vehemently argued that the allegations of demanding dowry have been levelled against present accused-applicant, which are grave in nature. It has further been argued that the recovery of dowry articles is yet to be effected from the present applicant. It has been further argued that if anticipatory bail is granted to him, he might misuse the same and might try to hamper the process of investigation and as such, he does not deserve the leniency of the court in grant of relief of anticipatory bail and finally they prayed for dismissal the present bail application.

7. After hearing rival contentions of both the parties and perusing the record, it has come to the forefront that present accused-applicant being husband of the complainant treated the complainant with utmost cruelty on the demand of dowry and also misappropriated her istri dhan. There are also allegations against the present accused-applicants that he alongwith others (non-applicants) raised demand of more dowry, gave beatings to the complainant and caused injuries on her person. These are very grave and serious allegations against the accused-applicant. Hence, at this stage, it is

too early to jump to any conclusion for the purpose of bail. The matter is still pending investigation and challan is yet to be presented. Therefore, there is every likelihood that if accused/applicant is granted bail, he may attempt to hamper the process of the investigation in one way or the other. Without further delving into the merits of the case and keeping in view of the fact that there are specific and serious allegations against the present applicant, the court is of the opinion that at this stage, no exceptional circumstances are made out to attract the provision u/s 438 Cr.P.C for granting pre-arrest bail to the present applicant. Consequently, the bail application of accused-applicant is dismissed.

8. Although this bail application is being dismissed, but it is made clear that nothing as expressed in the said order shall have any bearing on the merits of the main case. Police file be returned. Papers be consigned to the record room.

Date of Order : 15.09.2023
Dilbag Singh, Stenographer-II

(Ajit Pal Singh)
Additional Sessions Judge
Gurdaspur/ UID No. PB0226