

IN THE COURT OF SH. KARAMJIT SINGH SULLAR,
ADDITIONAL SESSIONS JUDGE, LUDHIANA (UID-PB0141)

Bail Application No.216 of 20.04.2019.
CIS No. BA/2998/2019.
CNR No. PBLD01-016664-2019.
Date of Decision : 25.04.2019.

State of Punjab.

Versus

- 1) Neelam wife of Parvinder Kumar,
 - 2) Sundram Sharma son of Parvinder Kumar,
- both residents of Gali No.23, Preet Nagar, New Shimlapuri, Ludhiana.

.....Applicants.

FIR No.49 dated 14.02.2019,
under Sections : 406/498-A IPC,
Police Station : Women Cell, Ludhiana.

Application for regular bail u/s 439 Cr.P.C.

Present - Sh. Rajinder Singh Braich, Advocate for the applicants.
Sh. M.L. Bathla, Additional P.P. for the State assisted by
Sh. Ashok Bhakhri, Advocate for the complainant.

ORDER

Applicants namely Neelam and Sundram Sharma filed the present application for regular bail under Section 439 Cr.P.C.

2. Notice of the present application for bail was issued to the State. Then, the ld. APP for the State, on receipt of the notice, appeared to contest the same on producing record by the investigating agency. The complainant also appeared through her counsel.

3. The ld. counsel for the applicants contended that applicants are falsely implicated in this case. Now, the applicants are in custody since long and they are not required for custodial interrogation. Presentation of challan and conclusion of trial shall take long time. So, the applicants may be released on bail.

4. On the other hand, the ld. Addl. PP for the State assisted by the ld. counsel for the complainant argued that the applicants have committed heinous offence and they cannot be given the benefit of bail at

this stage. Then, the ld. Addl. PP for the State placed copy of arrest-cum-intimation memo of applicant no.1 Neelam dated 07.04.2019 and copy of arrest-cum-intimation memo of applicant no.2 Sundram Sharma dated 07.04.2019 on record. The ld. Addl. P.P. for the State further assisted by the ld. counsel for the complainant further argued that keeping in view the gravity of offence committed by the applicants, the present application for regular bail may be dismissed.

5. I have considered the respective submissions of the ld. counsel for the applicants, the ld. Addl. PP for the State, the ld. counsel for the complainant and have perused the record carefully. The present case was registered on the basis of application moved by complainant Harpreet Kaur daughter of Ranvir Singh resident of House No.1983/135, Street No.8/4, Guru Gobind Singh Nagar, New Shimlapuri, Ludhiana, wherein she alleged that her parents had solemnized her marriage with Shiv Kumar on 07.05.2017 with great pomp and show as per Sikh rites and ceremonies at Queen Plaza, Quality Chowk, Ludhiana and at that time, her parents had borrowed money from the relatives for the said marriage. After ten days of the marriage, her in-laws had started to ask her (complainant Harpreet Kaur) to bring Rs.60,000/- from her parents, but she had told the said persons that her parents are unable to fulfill their demand, then her mother-in-law Neelam Rani had called her husband Shiv Kumar, brother-in-law (Dewar) Sundram and other family members, who had arrived there within one hour and the said persons had again repeated their demand, but she had again requested them that her parents are not able to fulfill their demand, upon which, the said person had turned her (complainant Harpreet Kaur) out from her matrimonial house with the threat that she would not be allowed to enter into their house until she brings the money from her parents. After then, she (complainant Harpreet Kaur) had gone to her parental house and she had narrated the entire incident to her parents, resulting of which, her parents along with the respectables of the locality had gone to the house of above said persons and tried to make them understand, but they did not mend their ways, rather they remained adamant on their demand. On 03.09.2017, her (complainant Harpreet Kaur's) parents

alongwith respectables of the society had approached the above said persons and requested them to rehabilitate her (complainant Harpreet Kaur) in her matrimonial house, but the said persons did not agree to do so, rather they had used abusive language towards her parents and other respectables. Action may be taken. Then, the present case was registered and investigation was initiated, during which, applicants namely Neelam and Sundram Sharma were arrested. Now, the applicants are in custody since 07.04.2019 in this case and they are no more required for any custodial interrogation. Presentation of challan and conclusion of trial will take sufficient time. No useful purpose would be served by detaining the applicants behind bars for indefinite period. Therefore, the contention of the ld. counsel for the applicants raised with regard to the application for bail is found to be sustainable, resulting of which, the application for bail under section 439 of Cr.P.C., moved by applicants namely Neelam and Sundram Sharma is hereby allowed and the applicants are admitted on bail on their furnishing personal bonds and surety bonds to the satisfaction of the ld. Illaqa Magistrate/Duty Magistrate, Ludhiana and subject to following conditions:-

- a) that the applicants shall make themselves available for interrogation by a police officer as and when required.
- b) that the applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the accusations against them so as to dissuade him from disclosing such facts to the court or to any police officer.
- c) that the applicants shall not leave India without the previous due permission of the court.

Copy of this order be sent to the Court of Ld. Illaqa Magistrate, Ludhiana and file of this bail application be consigned to the record room.

Announced on : 25.04.2019.

(Karamjit Singh Sullar)
Addl. Sessions Judge, Ludhiana.
UID-PB0141.

Deepak Sharma/SG.

BA/2998/2019

CNR No. PBLD01-016664-2019.

State of Punjab Vs. Neelam & Anr.

Present - Sh. Rajinder Singh Braich, Advocate for the applicants.
Sh. M.L. Bathla, Additional P.P. for the State.

Sh. Ashok Bhakhri, Advocate appeared on behalf of complainant Harpreet Kaur and filed power of attorney. Police record received, perused and returned. Then, the ld. Addl. PP for the State placed copy of arrest-cum-intimation memo of applicant no.1 Neelam dated 07.04.2019 and copy of arrest-cum-intimation memo of applicant no.2 Sundram Sharma dated 07.04.2019 on record. Arguments on the present application for regular bail moved by applicants Neelam and Sundram Sharma, heard. Vide separate detailed order of even date, the present bail application is allowed. Copy of this order be sent to the Court of Ld. Illaqa Magistrate, Ludhiana and file of this bail application be consigned to the record room.

Announced on : 25.04.2019.

(Karamjit Singh Sullar)
Addl. Sessions Judge, Ludhiana.
UID-PB0141.

Deepak Sharma/SG.