

**In the Court of Mrs. Anjana, Additional Sessions Judge,
Hoshiarpur**
UID No.PB0448

CIS No. BA :2978 of 2024
CNR No. PBHO0100 8748 2024
Date of Decision: 22.10.2024

Kamaljit Kaur aged 60 years wife of Jaspal Singh resident of House No. 1631/6, Mohalla Sagan, VPO Adampur, PS Adampur, District Jalandhar.

.... Applicant/accused

Versus

State of Punjab

.... Respondent

FIR No.100 dated 12.09.2014
U/S 85, 316 (2) BNS
PS Haryana District Hoshiarpur

Bail application U/S 482 BNSS, 2023

Present : Sh. MS Sikri Advocate for applicant/accused
Sh. Charanjit Singh, Addl. PP for the State
Sh. HS Flora Advocate for complainant

ORDER

This order of mine shall dispose of present bail application filed by the above named applicant/accused under Section 482 BNSS, seeking anticipatory bail in above mentioned FIR.

2. In pursuance of the notice of the bail application having been issued, learned Addl.P.P. for the State has put in appearance in the court and police record was produced.

3. The learned counsel for the applicant/accused has contended that the complainant has levelled false allegations to involve all the family members but the FIR was registered only against two persons, meaning thereby, there was no truth in the version of complainant and the same was

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found to be suspicious by the police. The marriage was a simple and no dowry articles were given. All the allegations are false and concocted. It was the complainant who does not want to reside at her matrimonial house despite the fact that she was provided every necessary facility in the matrimonial house by her in laws. The complainant herself has left the matrimonial house and thereafter she refused to join the company of her husband. Panchayats were convened but complainant flatly refused to join her matrimonial house. Even compromise was effected on 16.07.2024 at PP Bhunga, vide which both the parties had agreed to file joint petition under Section 13B of Hindu Marriage Act and to exchange the gold ornaments with each other, but later complainant and her parents refused to abide all the conditions of compromise. Even petition under Section 9 of HMA has been filed by husband of complainant. There is no specific demand of dowry articles nor any specific date month or year is mentioned qua the alleged cruelty and only vague and general allegations have been raised just to falsely implicate all the family members of in laws. The applicant is mother in law and she is ready to join the investigation. The offences are triable by the Magistrate Ist Class. The applicant will abide by all the terms and conditions imposed by this court and as such, it is a fit case where the applicant is entitled to relief of anticipatory bail. Hence, it is prayed that present bail application may be allowed.

4. On the other hand, learned Addl.P.P. for the State along with learned counsel for complainant opposed the bail application by contending that applicant/accused is the mother in law of complainant. There are

categoric allegations for demand of dowry articles like motorcycle, car as well as cash amount. Due to non fulfillment of demands, the complainant was given beatings and she was harassed mentally and physically. The FIR was registered after due enquiry. Despite notice, accused did not join the investigation. The custodial interrogation of applicant is necessary to recover the articles. Hence, it is prayed that applicant is not entitled to bail and bail application is liable to be dismissed.

5. After giving my careful and thoughtful consideration to the rival contentions and on careful perusal of averments of application, contents of FIR coupled with the duly assistance rendered, the Court is of the considered view that present bail application merits acceptance. Perusal of record shows that complainant Kirandeep Kaur has moved application No. 5421-PD dated 08.08.2024 against her husband Daljit Singh, mother in law Kamaljit Kaur and other in laws family members for demanding dowry and causing maltreating, mental as well as physical torture to her and for turning out her from the matrimonial house. The marriage of complainant with accused Daljit Singh had taken place on 15.11.2019 and out of their wedlock, a child was born. After marriage, accused started taunting the complainant in connection with demand for dowry and due to non fulfillment of demand of dowry, she was turned out of the matrimonial house. Despite panchayats, the matter could not be settled. The enquiry was conducted on the said application of complainant and present FIR came to be registered against husband and mother in law of complainant. The other persons named in the application were found to be innocent. The allegations

in this case are pertaining to offences under Sections 85, 316(2) BNS. The applicant is mother in law of complainant and she is stated to be aged about 60 years. It is matter of trial to be seen in regard to dowry demand by applicant/accused. Rather, ends of justice shall be met in case the applicant/accused is directed to join the investigation within 7 days and assist the Investigating Officer/SHO of the concerned police station as and when called. Upon her doing so, she shall be released on anticipatory bail on furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of IO/SHO concerned. She shall comply with the provisions of section 482(2) BNSS. In case of non compliance of order, the bail order stands automatically vacated. Accordingly, bail application stands allowed and disposed of. Police record be returned. File be consigned to the record room.

Pronounced
22.10.2024
baljinder

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Police record produced. Arguments heard. Vide my separate order of even date, present bail has been allowed, as detailed therein. Police record be returned. File be consigned to the record room.

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