

**IN THE COURT OF SH. AJIT PAL SINGH
ADDITIONAL SESSIONS JUDGE, GURDASPUR.**

Unique Identification Code No. (PB0226)

Computer generated No. BA-2983-2021

Bail application no. 457 of 16.09.2021

Date of order: 21.09.2021

Rachpal Singh son of Rulda Singh resident of village Maskot, P.S.
Kalanaur, Tehsil and District Gurdaspur.

--Accused/applicant

Versus

State of Punjab.

FIR No. 98 dated 14.09.2021

U/s 406/120-B IPC

P.S. Kalanaur

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

Present: Sh. Jaskaran Singh, Adv. counsel for accused/applicant
Sh. B.K. Sharma, Addl.P.P for the State assisted by Sh. Rajiv
Bhatia Advocate.

O R D E R

1. This is an application seeking bail under Section 438 of Code of Criminal Procedure moved on behalf of above said accused/applicant Rachpal Singh in the aforementioned FIR.

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

3. In brief, present case was registered on the basis of an application moved before SSP Gurdaspur by Kamalpreet Kaur daughter of Gurdev Singh against Pardeep Singh, Rachpal Singh, Manjit Kaur and Prabhjot Kaur, wherein she stated that her marriage was solemnized with Pardeep Singh on 08.12.2007 and out of this

wedlock one son was born namely Paryukat Singh on 18.02.2010, who is living with her. At the time of marriage, her father had spent sufficient amount as per his status and dowry articles including gold ornaments, clothes, motorcycle, electric appliances etc. were given to her in laws family. After some time of marriage, her in laws, who were living in joint family and her sister in law, who was married nearby village and often used to visits in the house in connivance with each other started taunting her for brining less more dowry and raised demand of car and thereafter, they started raising demand of Rs. 5 Lacs for sending her husband at abroad. When she refused to fulfill their demands, then all started beating her. Her paternal uncle and other relatives had left her in matrimonial home. After some times, her in laws again started harassing her and putting pressure upon her for taking share from the land of her parents as her brother had died in a road accident. They also tried to kill her many times. On 04.06.2011 her in laws gave beating her and she was medically examined from Civil Surgeon, Dinanagar. On 06.07.2017 her in laws again gave beating her and she alongwith her father (who had expired) got medically examined from Government Hospital, Dinanagar. Since 06.07.2017 she is living in her parents house at village Singowal. Her all gold ornaments and istri dhan are also in the custody of her in laws family. She also came to know that her husband in further of common intention of her other in laws family solemnized second marriage with one Amandeep Kaur. On the basis of said application, enquiry was conducted and ultimately present case was registered.

4. I have heard the learned counsel for accused-applicant, learned Additional PP 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 false and frivolous case under political pressure has been registered as the applicant has not committed any offence as alleged. The accused-applicant is father in law of the complainant and he is suffering many old aged ailments. It has been further contended that no specific allegations are made out against the accused-applicant and he and his wife are living separately from the complainant and her husband. The complainant willfully deserted the company of the son of accused-applicant and his son filed a petition under Section 9 of HMA and his son has also paid interim maintenance to the complainant. It has been further contended that the son of accused-applicant has also filed petition under Section 25 of Guardian and Wards Act and petition under Section 13 of HMA against the complainant. It has been further contended that no specific date, time or years has been mentioned when the complainant was maltreated or dowry demand was raised. All the alleged dowry articles are in the custody of complainant and there is nothing to be recovered from him. Finally he prayed for grant of anticipatory bail.

6. Learned Additional PP for the State assisted by Sh. Rajiv Bhatia Advocate vehemently argued that the allegations against present accused-applicants are grave in nature. It has been further argued that the recovery of dowry articles is yet to be effected from the present accused-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 prayed for dismissal the present bail application has been made.

7. After hearing rival contentions of both the parties and perusing the record, it shows that present accused-applicant is father in law. Needless to say that the said fact of the alleged acts of misappropriation of istri dhan of complainant in connivance with other co-accused (non-applicants) will come into light at the time of appreciating evidence led during trial and at this stage, it would not be appropriate to jump to any conclusions. So, at this stage, without commenting upon the merits of the case, the accused/applicant is directed to join the investigation as and when called by investigating officer and is further directed to co-operate with the investigating agency and investigating/arresting officer shall admit him to interim bail to its own satisfaction till the next date of hearing subject to the conditions envisaged under section 438(2) Clauses (i), (ii) and (iii) of Cr.P.C. Now to come up on 30.09.2021 for awaiting the report of Investigating Officer regarding the fact, whether accused/applicant has joined the investigation or not.

Date of Order : 21.09.2021
Dilbag Singh, Stenographer-II

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