

**In the court of Ms. Neelam Arora, Addl. Sessions Judge, Hoshiarpur,
UID No. PB-0091**

B.A CIS No. 2966 of 2019
CNR No. PBH0010114912019
Date of order: 03.01.2020

State versus Vishal Kumar alias Shally aged 22 years son of Shri
Prem Lal resident of village Bhatian Rajputtan, P.O.
Purika, P.S. Mukerian, District Hoshiarpur.

-Accused-applicant

FIR No. 113 dated 30.08.2019
U/s 304-B IPC
Police Station: Mukerian, distt. Hoshiarpur

First application for regular bail U/s 439 Cr.P.C

Present: Shri H.S. Saini Advocate for applicant-accused
Sh. T.S. Grewal, Additional Public Prosecutor for State

ORDER:

1. This order of mine shall dispose off an application for regular bail moved by the applicant-accused Vishal Kumar alias Shally.
2. Notice of this bail application was given to the State through Ld. Addl. PP for the State.
3. The learned counsel for the applicant-accused Sh H.S Saini, Advocate has argued that the applicant-accused is brother-in-law (Devar) of deceased Ritu Bala and he has been falsely implicated in the present case. There is delay in lodging of FIR. The allegations levelled in the FIR are totally false and baseless and there is nothing to connect the accused with the alleged offence. He has further argued that there is no allegation against applicant-accused with regard to demand of dowry or harassment, so, no

offence under Section 304-B IPC is made out against applicant-accused. Learned counsel for applicant-accused has also placed on record transcripts of video recordings and copy of order dated 10.10.2019, regarding bail application of Prem Lal accused in this case. The learned counsel for applicant-accused has further argued that prior to recording of statement by complainant Gurdial Singh, Deep Raj Singh, father of deceased had made statement to ASI Satnam Singh to the effect that his daughter has died and the occurrence took place incidentally and nobody is at fault. He has further argued that the applicant-accused is in judicial custody since 30.08.2019 and he is not required for any further investigation. Conclusion of trial shall take long time, so, no useful purpose would be served by keeping accused-applicant behind the bars. So, it is prayed that applicant-accused may be released on bail during trial.

4. On the other hand, the learned Addl. PP for the State resisted the bail application and prayed for dismissal of the same.

5. I have carefully considered the submissions of both the parties and have perused the record. As per allegations contained in the FIR, deceased Ritu Bala was married to Sukhwinder Singh four years ago and she was residing happily with her husband Sukhwinder Singh. However, brother-in-law of deceased namely Shelly alias Vishal Kumar (present applicant-accused) and her father-in-law Prem Singh used to torture her without any reason, regarding which deceased had told to her brother many times telephonically. On 29.08.2019, Shelly, brother-in-law of deceased informed complainant that Ritu Bala has consumed some poisonous substance, upon

which complainant along-with his parents reached at Mukerian. First of all, deceased was taken to Narindra Hospital, Mukerian and thereafter to Civil Hospital, Mukerian, from where she was referred to Capitol Hospital, Jalandhar and she died on the way to hospital. Much emphasis has been laid by the learned counsel for applicant-accused upon the point that, it is mentioned in the statement of Deep Raj (father of deceased) that his deceased daughter Ritu Bala consumed some poisonous substance and thus, no offence under Section 304-B IPC is made out in this case, however, police by ignoring the above statement of father of deceased, in connivance with complainant has manipulated the version. He also placed on record script of video recording No.1 of deceased Ritu Bala, wherein she has stated that her brother-in-law Shelly may be punished. The learned counsel for applicant-accused has argued that from the recording, it is clear that there is no allegation with regard to demand of dowry by applicant/accused. Thus, false case has been registered against applicant/accused. But I do not agree with the proposition advanced by the learned counsel for applicant-accused, since it is also alleged by the deceased that her brother-in-law used to incite others against her. She further stated that he incited her father-in-law and she is going to commit suicide. In video recording No.2 also, she stated that her brother-in-law Shelly has incited her in-laws. The bail application of co-accused Prem Singh has already been dismissed vide order dated 10.10.2019. Allegations against applicant-accused are serious in nature. Hence, in view of the gravity of offence and serious allegations against the applicant-accused,

he is not entitled to be released on bail. As such the present bail application is ordered to be dismissed. File be consigned to record room.

Announced:

Dt. 03.01.2020

(Kulvinder Singh)

Stenographer-II

(Neelam Arora)

Addl. Sessions Judge

Hoshiarpur

UID No. PB0091

Vishal Kumar @ Shelly Vs. State of Pb.

Present: Shri H S Saini, Advocate for applicant-accused.
Shri T.S Grewal Addl. PP for the State.

Arguments heard. Vide separate detailed order of today bail application has been dismissed. File of bail application be attached with the main case file.

Announced:
Dt. 03.01.2020
(Kulvinder Singh)
Stenographer-II

(Neelam Arora)
Addl. Sessions Judge
Hoshiarpur
UID No. PB0091