

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

UNIQUE IDENTIFICATION CODE NO. PB0226

Bail Application no. 467 of 23.09.2021

Date of Decision: 29.09.2021

CIS no. BA-3069-2021

FIR no. 69 dated 18.09.2021

Under Section: 498-A/406/323/34 IPC

P.S. Dorangala

1. Santokh Singh son of Bachan Singh,

2. Jasbir Kaur wife of Santokh Singh,

Both residents of Ghuman, Tehsil Batala, District Gurdaspur.

.....Accused/applicants

Versus

State of Punjab

First bail application under Section 438 CrPC.

Present: Sh. R.K. Nadala, Adv., counsel for accused-applicants.
Shri Hardeep Kumar, Additional P.P. for State assisted by
Sh. Vinod Harchand, Advocate.

ORDER

1. This is an application seeking bail under Section 438 of Code of Criminal Procedure moved on behalf of accused/applicants Santokh Singh and Jasbir Kaur in the aforementioned FIR.

2. Notice of bail application was given to State. The learned APP for the State assisted by Sh. Vinod Harchand, Advocate 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 Amandeep Kaur wife of Ranjit Singh daughter of Lakhbir Singh against Ranjit Singh (husband), Santokh Singh (father in law) and Jasbir Kaur (mother in law), wherein she stated that her marriage was solemnized on 20.12.2015 according to Sikh rites. At the time of

marriage, her parents had spent sufficient amount as per their status and gave dowry articles including gold ornaments. After marriage, one daughter namely Ikreet Kaur was born on 14.02.2015. After some days of marriage, her parents in law Jasbir Kaur and Santokh Singh alongwith her husband Ranjit Singh started taunting her for brining less dowry and whenever her husband came on leave, he on the instigation of her mother in law, had beaten her mercilessly. Her husband is serving in Indian Army as boxer and whenever he gave beating to her, he gave internal injuries and he threatened her that he would give such injuries, where no action could be taken. In the year 2020, her husband on the instigation of her parents in law had beaten her mercilessly. On the same day, her husband gave leg blow upon her back in the kitchen, when she was preparing meals and he fell down towards the gas side upon the hot milk. She came outside from the kitchen, her husband followed her and gave fists blow upon her due to which her health became deteriorated. Her father Lakhbir Singh had died and her brother Sandeep Singh had also died after two days of her marriage. On 25.11.2020 she moved an application before SSP, Batala in which accused apologized and matter was reconciled with the intervention of respectables on 28.01.2021. On 01.02.2021 accused took her at her matrimonial home and after that they again gave beatings to her and misbehaved with her. On 13.07.2021 her parents in law tired to kill her while strangulated her neck with rope and ousted her from matrimonial home. They also snatched her daughter from her forcibly. On 14.07.2021 she was medically examined from Civil Hospital Gurdaspur and now she is

living in her parental home. Her parents in law and husband threatened her with dire consequences and they also snatched her daughter and all her gold ornaments are in their custody. Her in laws raised demand of dowry and force her to bring cash. Upon the said application, enquiry was conducted and ultimately, present case was registered.

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

5. Learned counsel for accused-applicants has argued that accused-applicants are innocent and have been falsely implicated in the present case. The accused-applicant no. 1 is bed ridden and aged about 80 years and cannot walk with the help of other person. The complainant and her husband are residing separately at the place of posting of her husband. It has been further contended that no specific allegations are made out against the present accused-applicants and there are general allegations levelled in the FIR. No medical of complainant pertaining to injuries under Section 323 IPC alleged in the FIR. It has been further contended that nothing is to be recovered from the accused-applicants and their custodial interrogation is not required. It has further been submitted that accused-applicants will abide by all the terms and conditions as imposed upon them. Finally learned counsel for accused-applicants has prayed for grant of anticipatory bail.

6. Learned Additional PP for the State assisted by Sh. Vinod Harchand, Advocate vehemently argued that the allegations against present accused-applicants are grave in nature. It has further been argued

that the recovery of dowry articles is yet to be effected from the present applicants and as such, their custodial interrogation is required. It has been further argued that if anticipatory bail is granted to them, they might misuse the same and might try to hamper the process of investigation and as such, they do 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 shows that present accused-applicant no.1 is father in law and accused-applicant no. 2 is mother in law of complainant. Needless to say that the said fact of the alleged acts of cruelty meted out by present accused-applicants to the complainant on demand of dowry and misappropriation her istri dhan 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/applicants are 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 them 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 05.10.2021 for awaiting the report of Investigating Officer regarding the fact, whether accused/applicants have joined the investigation or not.

Date of Order : 29.09.2021

Dilbag Singh, Stenographer-II

(Ajit Pal Singh)

Additional Sessions Judge

Gurdaspur/ UID No. PB0226