

PBGD010066592023



Presented on : 21-08-2023

Registered on : 21-08-2023

Decided on : 25.08.2023

**IN THE COURT OF Sh. AJIT PAL SINGH
ADDITIONAL SESSIONS JUDGE, GURDASPUR.**
Unique Identification Code No. (PB0226)

Computer generated No. BA-2780-2023

Bail Application no. 444 of 21.08.2023

Date of order: 25.08.2023

Ranjodh Singh son of Kulwant Singh resident of village Dhadiala
Natt, Batala, District Gurdaspur.

—Accused/applicant

Versus

State of Punjab

FIR No. 0053 dated 25.05.2023

U/s 328/498-A/406/120-B/306 (added
later on) IPC

P.S. Sadar Batala

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

Present: Sh. Parun Bhagowalia Adv. counsel for
accused/applicant.
Sh. Hardeep Kumar, Addl.P.P for the State.

ORDER

1. This is an application seeking bail moved under Section
438 Cr.P.C on behalf of above said accused/applicant Ranjodh
Singhh for releasing him on bail in aforementioned FIR.

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

3. In brief, prosecution story is that present case was

registered on the basis statement of Gurleen Kaur wife of Ranjodh Singh to the effect that her marriage was solemnized with Ranjodh Singh in the year 2020. After two days of marriage, her mother in law Sarabjit Kaur started harassing her and raised demand of car. Her husband in connivance with his mother raised demand of Rs. 15 Lacs and vehicle and also raised demand of share from the property of her parents. About two years ago, her husband went to Doha Qatar and he did not contact with her nor he paid any maintenance to her. Her husband in connivance with her father in law Kulwant Singh, mother in law Sarabjit Kaur, sister in law Tejinder Kaur used to harass her. On 19.05.2023 at about 02:00 PM her mother in law Sarabjit Kaur gave her something for eating and after eating, her health became deteriorated and she remained under treatment. Her mother in law in connivance with her husband, father in law and sister in law gave her some poisonous substance. On the basis of said statement, present case was registered.

4. I have heard the learned counsel for accused-applicant, learned APP 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 case and he has not committed any offence. It has further been submitted that the marriage of the applicant was solemnized with deceased during lockdown and it was a simple marriage. It has further been submitted that when the alleged occurrence took place, the applicant was not present in India and he was in Qatar. It has

further been submitted that after having lunch, deceased started arguing with her mother in law and she was condemned by her brother also for behaving disrespectfully to her mother in law. Thereafter, the deceased left her food and went upstairs in a fit of anger and she drank round up medicine. It has further been submitted that the present FIR has been lodged after six days of occurrence and even Section 328 and 306 IPC are not made out. It has further been submitted that nothing is to be recovered from the accused-applicant and he will abide by all the terms and conditions as imposed upon him and he is ready to join the investigation. Finally learned counsel for accused-applicant has prayed for grant of anticipatory bail.

6. Learned Additional PP for the State vehemently argued that the serious allegations of demanding dowry have been levelled against present accused-applicant, which are grave in nature. 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 it has been prayed for dismissal the present bail application.

7. After hearing rival contentions of both the parties and perusing the record, it has come to the forefront that present accused-applicant being husband of the complainant treated her with utmost cruelty on the demand of dowry. There are further allegations against the accused-applicant that he raised demand of more dowry from the complainant and on her refusal, he gave her severe beatings and

administered some poisonous substance. There are further allegations against the accused-applicant that he is misappropriating the istri dhan of the complainant. These are very grave and serious allegations against the accused-applicants. The perusal of record further reveals that initially the FIR was registered under Section 328/498-A/406/120-B IPC, but during investigation, the complainant had died and the offence under Section 306 IPC has been added. The perusal of record further shows that there is a note written by the deceased herself, which is in handwriting of the deceased in which there are specific allegations against the accused-applicant. Hence, at this stage, it is too early to jump to any conclusion for the purpose of bail. The matter is still pending investigation and a challan is yet to be presented. Therefore, there is every likelihood that if accused/applicant is granted bail, he may attempt to hamper the process of the investigation in one way or the other. Without further delving into the merits of the case and keeping in view of the fact that there are specific and serious allegations against the present applicant, the court is of the opinion that at this stage, no exceptional circumstances are made out to attract the provision u/s 438 Cr.P.C for granting pre-arrest bail to the present applicant. Consequently, the bail application of accused-applicant is dismissed.

8. Although this bail application is being dismissed, but it is made clear that nothing as expressed in the said order shall have any bearing on the merits of the main case. Police file be returned. File be consigned to record room.

Date of Order : 25.08.2023

Dilbag Singh, Stenographer-II

(Ajit Pal Singh)

Additional Sessions Judge

Gurdaspur/ UID No. PB0226