

**IN THE COURT OF SH. AJIT PAL SINGH, ADDITIONAL
SESSIONS JUDGE, GURDASPUR.
UNIQUE IDENTIFICATION CODE NO. PB0226**

Bail application No. 416 dated 31.07.2023

Date of Decision: 03.08.2023

CIS no. BA-2513-2023

1. Sarabjit Kaur wife of Gurdial Singh
2. Gurdial Singh son of Shingara Singh
3. Maninder Kaur @ Narindre Kaur wife of Gurjit Singh
All residents of village Dharmu Chack, P.S. Mehta Chowk, Tehsil Baba Bakala, District Amritsar.

--Applicants/accused

Versus

Navjot Kaur wife of Daljit Singh daughter of Didar Singh resident of village Dhariwal Bhoja, P.S. Sekhwan, Tehsil Batala, District Gurdaspur

....Respondent

1st BAIL APPLICATION U/S 438 OF THE CRPC
Complaint under Section 498-A/406/506/34 IPC

Present: Shri Purn Bhagowalia Adv. counsel for accused/applicants.
None for complainant.

O R D E R

1. This order of mine shall dispose off bail application under Section 438 of Cr.P.C filed on behalf of above said accused/applicants Sarabjit Kaur, Gurdial Singh and Maninder Kaur @ Narinder Kaur in the aforementioned case.

2. Notice of bail application was issued to respondent/complainant, but none has appeared. Record of learned Illaqa Magistrate has been received and perused.

3. In brief, facts of the present case are that marriage of the complainant was solemnized with Daljit Singh on 21.08.2016, but no

child was born out from this wedlock. Her parents had solemnized the marriage with great pomp and show and gave sufficient dowry in her marriage beyond their capacity including beddings, utensils, costly clothes, gold ornaments at the time of marriage. All the dowry articles and gold ornaments are still in the custody of the accused persons and they are misappropriating the same. It is further stated that immediately after the marriage the accused were not happy with her for bringing less dowry and for not serving the guests at the time of marriage and all the four accused had started demanding a car from her and started taunting and harassing her at every moment in the matrimonial house. Initially, she shown reluctance to their demand of car, but she was forced by all the accused to bring car and land measuring 7 acre from her father. She informed her father and mother telephonically about the cruel behaviour of the accused towards her and her father requested the accused telephonically not to harass her as they have already spent huge amount on the marriage of his daughter and they do not have any capacity to fulfill their demands. After two months of marriage, the accused No.1 had gone abroad and in his absence on 06.01.2017 the accused No.2 to 4 gave severe beatings to her and turned her out from their house, but she was sent back to live in matrimonial house with the intervention of the respectable persons, but there was no change in the behaviour of the accused persons. Even the accused No.1 stopped calling her on telephone. Thetted that accused did not mend their ways and again on 25.02.2017, the accused No.1 made a phone call to the accused No.2 to 4 and thereafter the accused No.2 to 4 started quarreling with her and threatened her to

leave matrimonial house otherwise they would eliminate her. Left with no alternative, she made a phone call to her parents and narrated all the matter and father alongwith her brother reached at her matrimonial house. They both requested the accused persons with folded hands not to torture and threaten her, but the accused persons did not listen to them and remained adamant on their illegal demand of dowry. She alongwith her parents and some other respectable persons had approached the accused in their village for compromise, but all the accused remained adamant and repeated their demands. She alongwith her parents visited police station Sekhwan as well as SSP Gurdaspur and NRI Cell Gurdaspur, time and again but as the accused party is very influential and under the political pressure, the police did not pay any heed towards her version.

4. I have heard the learned counsel for accused-applicants and have also perused the record of learned trial court very minutely with his able assistance.

5. Learned counsel for accused-applicants argued that accused-applicants are innocent and have not committed any such alleged offence and complainant has concocted a false story in the present complaint. It has further been submitted that the applicants never harassed, maltreated the complainant nor they ever raised demand of dowry from her nor they interfered in the matrimonial life of complainant and her husband. It has further been submitted that custodial interrogation of accused-applicants are not required and they shall abide by all the terms and condition as imposed upon them and

finally prayer for granting them anticipatory bail has been made.

6. After hearing rival contentions of learned counsel of accused-applicant and perusing the record, it transpires that present accused/applicants had been summoned to face trial for the offences punishable under Section 498-A/406/506/34 IPC in a complaint case by the Court of learned Judicial Magistrate 1st Class, Batala. As it is evident, nothing is to be recovered from accused/applicants in the present case and their custodial interrogation is not required. In the given circumstances, without dilating further on the merits of case, the Court is of the opinion that no useful purpose is to be served by sending the applicants behind the bars as their custodial interrogation is not required. Allegations leveled against the accused/applicants shall come into light, when the evidence will be led by both the parties. Keeping in view aforementioned circumstances, the bail application is allowed with the observations that applicants will surrender before the concerned learned Trial Court/Illaq Magistrate/Duty Magistrate within 15 working days from today and in the event of arrest, they shall be released on bail on execution of the bonds to the satisfaction of learned Trial Court/Illaq Magistrate/Duty Magistrate.

7. Although this bail application is being allowed, but it is made clear that nothing as expressed in the said order shall have any bearing on the merits of the main case. Copy of this order be sent to the court of learned Illaq Magistrate. Papers of the present bail application be consigned to Record Room Gurdaspur.

Date of Order : 03.08.2023
Dilbag Singh, Stenographer-II

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