

PBHOC10003492022



Presented on : 22-03-2022
Registered on : 22-03-2022
Decided on : 25-03-2022
Duration : 0 years, 0 months, 3 days

**IN THE COURT OF SUB DIVISIONAL JUDICIAL MAGISTRATE AT
MUKERIAN, HOSHIARPUR
(PRESIDED OVER BY AMARDEEP SINGH BAINS)
BA/10/2022**

State of Punjab Vs. Tara Chand

FIR No. 21 dated 18.2.2022,
Under Section 498-A, 406 of IPC,
Police Station Mukerian,
Distt. Hoshiarpur.

Present:- Sh. Inderjot Singh, Ld. APP for the State.

Ms Brij Bala, Adv. counsel for the applicant/accused Tara Chand.

On 24.3.2022, ASI Anita Devi has come present and suffered a statement to the effect that after registration of FIR no addition or deletion of offence has been made in the present case. No other case is pending against the accused except the present case. As per her record, she has not received any notice from any other court of law regarding bail application if any, preferred by the accused.

Further ld. APP for the State has also suffered a statement to the effect that he has heard the statement of IO and as per the statement of IO, no other notice has been received by him with regard to bail application, if any, preferred by the accused before any other competent court of law.

Further, in view of the order dated 11.3.2022 passed by Hon'ble High Court in **Kulwant Singh Vs. State of Punjab** in CRM-M-52620-2019 (O&M), concerned Ahlmad had made a report to the effect that pertaining to instant FIR, no record has been found in the Official Website of the Hon'ble Punjab and Haryana High Court, Chandigarh.

Genesis of the present case could be traced to application bearing No. 7026-SSP dated 30.12.2019 moved by complainant Anju Bala, w/o Tara Chand, d/o Sai Dass, r/o Bhatta Colony, Mukerian, PS Mukerian, Distt. Hoshiarpur who submitted in her application that she got married on 25.1.2019 with accused Tara Chand, as per Hindu rites and customs. Her marriage took place at Taak Palace. After some days of marriage, the brother-in-law of complainant (Jeth) begin to extend threats to complainant and asked her to bring Rs. 5.00 lacs from her parental home or she will be done to death. The brother-in-law of complainant is drug paddler. Even the mother-in-law of complainant (Saas) used to extend threats to complainant and used to demand more dowry and Rs. 5.00 lacs or complainant will not be allowed to settle in her matrimonial home. The in-laws family members used to threaten the complainant that they will kill complainant and even her dead body will not be found. The husband of complainant also used to extend threat to kill complainant. On daily basis, the husband of complainant used to thrash the complainant under the influence of liquor. The husband of complainant did not give her any penny till date nor gave any clothes to the complainant. It has been further submitted that complainant is surviving on the money which she get from her parents. It has been further submitted that parents of complainant are very poor but they spent money beyond their capacity in the marriage of complainant.

Amount of Rs. 11,000/- which was given by father of complainant to her at the time of Shagun was snatched by the sister-in-law (Jethani) of complainant on the very first day of marriage. It has been further submitted that if anything bad happens with complainant or her parental family, the entire responsibility of the same will be on the in-laws family of complainant. The complainant is having danger to her life and limbs from her in-laws family. Earlier, she moved an application bearing No. 5437-SSP dated 06.9.2019 in which compromise was effected on 30.9.2019. MC Yog Raj, son of Hans r/o New Shastri Colony, Pathankot took responsibility of husband of complainant and it was assured to complainant that she will not be harassed by her in-laws family and if anything bad will happen to the complainant, she was to go to MC Yog Raj. After compromise, complainant was taken to her in-laws house. But, things remained unchanged. The husband of complainant ousted the complainant on several occasions. Out of despair, the complainant returned to her parental home on 19.12.2019. On 26.12.2019, the husband of complainant came to the parental home of complainant in drunk condition and uttered bad language against the complainant. He even demanded Rs. 1.00 lac. The husband of complainant was made to return with an assurance that money will be paid to him. It has been further submitted that in marriage LCD, 2 Briefcases, 2 Mundari, 3 Blanket double bed size and other household articles including clothes were handed over to the in-laws family of complainant. On said items, an amount to the tune of Rs. 75,000/- was spent by father of complainant and another amount of Rs. 4,50,000/- was spent on the marriage arrangement. Kindly take action into the matter.

The inquiry of said application was conducted by Sh. Ravinder Singh,

PPS, A.S.P., Sub Division Mukerian who found that mother-in-law of complainant is aged about 75 years and the family of Jeth and Jethani of complainant reside in a separate house and nothing came against them in the inquiry of above-said Officer. However, it came out that husband of complainant is involved in harassing and torturing the complainant on the pretext of demand of dowry against complainant and he misappropriated the istridhan of complainant and even ousted the complainant on these pretext from her matrimonial home. After approval of SSP, Hoshiarpur, the present FIR was registered against the accused. Accused was arrested.

Arguments heard on the first regular bail application moved by applicant/accused. It is averred that he has been falsely implicated in this case by police of PS Mukerian and he was arrested on 20.3.2022 and he has been sent to judicial custody till 5.4.2022. It has been further averred that no useful purpose shall be served by keeping him behind the bars. It is further submitted that he is very poor and is only bread winner of his family. He is having no previous criminal case. It is averred that applicant/accused undertakes not to leave India without prior permission of this Court and will abide by all the conditions imposed by this Court while granting them bail. It is further submitted that he has not filed any bail application before any superior court and the same fact is mentioned which is mandatory as per the order of Hon'ble Punjab and Haryana High Court in case titled as **‘Vijay Kumar @ Vijay Vs. State of Punjab, CRM-M-21526-2021.** Lastly, it is prayed that the applicants/accused be released on bail.

On the other hand, Ld. APP has denied the contents of bail application and prayed for dismissal of the bail application.

I have heard the ld. APP, ld. Counsel for the applicant and have minutely analysed the record.

Perusal of file reveals that the applicant/accused is in judicial custody since 21.3.2022. Presentation of challan is likely to take indefinite long period of time. However, no useful purpose will be served by keeping the applicant/accused behind bars for indefinitely long period and that too when there is threat of corona virus disease which requires social distance to be maintained in order to save from it. Therefore, bail application of applicant/accused is hereby allowed and he is directed to be released on bail on furnishing bail bond to the tune of amount Rs. 50,000/- with one surety each in like amount. The requisite bail bonds and surety bonds are not furnished. Papers be attached with FIR. Now to come up on date fixed i.e. on 05.4.2022.

Dated: 25.3.2022
Saurabh, Steno*

Amardeep Singh Bains, PCS,
Sub Divisional Judicial Magistrate,
Mukerian, Hoshiarpur,
(UID no. PB0335).

Dictated on : 25.3.2022
Transcribed on : 25.3.2022
checked on : 25.3.2022
Signed on : 25.3.2022

Amardeep Singh Bains, PCS,
Sub Divisional Judicial Magistrate
Mukerian, Hoshiarpur,
(UID No.PB0335).