

BALBIR SINGH VS STATE OF PUNJAB

Present: Sh. H.S.Saini Adv., counsel for applicants/accused
Sh. Gurpreet Singh, Addl. P.P for State
Sh. Amit Katoch Adv., counsel for complainant

Present bail application has been filed by applicants/accused namely (1) Balbir Singh s/o Chanan Ram aged 64 years and (2) Parveen Kumari w/o Balbir Singh aged 60 years r/o Street No. 1 C, Dashmesh Nagar, Dagana Road, P.S. Model Town, Hoshiarpur for grant of anticipatory bail in case FIR No. 92 dated 19.06.2020, under Section 498-A IPC, 1860, registered at P.S. Sadar, Hoshiarpur.

2. Today Sh. H.S. Saini Adv., counsel for applicants/accused has submitted that allegations against applicants/accused are false and they have been implicated in this case by the complainant only being the family members of accused Gurpreet Singh Sondhi. He argued that applicant Balbir Singh is father-in-law and Parveen Kumari is mother-in-law of complainant. Hence, complainant has implicated the entire family to settle her dispute with her husband Gurpreet Singh Sondhi. Also it is argued that offence under Section 406 IPC has not been added till date, as informed by Ld. Addl. P.P. for State, during the course of arguments. Learned counsel for applicants/accused has submitted that complainant was earlier married to Surjit Singh and this is the second marriage between the parties. He has drawn attention of this court towards the order dated 18.04.2013 passed by Sh. G.K.Dhir, the then learned Sessions Judge, Hoshiarpur in case under Section 498 IPC, got registered against previous husband of complainant Surjit Singh by complainant. Hence, he has argued that complainant is in the

habit of getting married, levelling false allegations against her husband and then collecting money on this account from her husband. Also he has submitted that a compromise was effected between the parties, which is part of record. Hence, he prayed for extending concession of anticipatory bail to applicants/accused, who are having no role in the entire matter and are senior citizens.

3. On the other hand, the learned Addl. PP for the State while being assisted by learned counsel for complainant Shri Amit Katoch Advocate has submitted that the list of dowry articles is part of record, which are yet to be recovered. Also it is argued that the medico-legal report of complainant shows as many as five injuries upon her body and complaint to SSP has been moved by the complainant, levelling the entire allegations. Also it is argued by Ld. Addl. P.P. for the State along with counsel for complainant that the compromise, as pointed out by learned counsel for applicants/accused is not even signed by the complainant. On these circumstances, learned Addl. P.P. for the State along with counsel for complainant resisted the bail application.

4. Heard. Perused the record. In the FIR got registered by complainant Raj Kumari, it is alleged that accused/applicants were harassing the complainant physically and mentally and also called bad names to her. They allegedly demanded dowry from her, leading her to mental, physical and emotional torture. At this stage offence under Section 406 IPC, 1860 is not added in the FIR, therefore, no recovery is to be effected from applicants/accused, who happen to have completed 60 years and are senior citizens. Therefore, in view of above discussed circumstances,

I deem it appropriate to grant concession of pre arrest bail to applicants/accused. So, the anticipatory bail application filed by applicants/accused is accepted, subject to their joining investigation within 15 days from today and on their doing so, they will be admitted to anticipatory bail to the satisfaction of Investigating officer/SHO concerned, subject to the conditions that they will join the investigation as and when required, they will not leave the country without prior permission of the court and they will not interfere in the investigation of the case. However, it is made clear that in case applicants/accused fail to comply and join investigation within 15 days, without any sufficient cause, then their bail application shall be deemed to have been dismissed. Police record be returned. File be consigned to record room.

26.06.2020
Rupesh (Steno-II)

(Neelam Arora)
Additional District and Sessions Judge
Hoshiarpur
UID No. PB0091