

Kulwant Sheoran vs. State of Punjab

**IN THE COURT OF SHRI AVTAR SINGH BARDHA,
ADDITIONAL SESSION JUDGE , SAS NAGAR
UNIQUE IDENTIFICATION CODE NO. (PB0159)**

Bail Application no. 173/25.05.2021
CNR no. PBSA010047662021
Computer Generated No. BA-1255-2021
Date of Order: 02.06.2021

Kulwant Sheoran son of late Sh. Preet Singh Sheoran, aged 31 years,
permanent resident of House no. K 18, Gali no.1, Near Canar Rest House,
Vidya Nagar, Bhiwani, Haryana.

..... Bail applicant

Vs.

1. State of Punjab through PS NRI, SAS Nagar, Mohali.
2. Garima Singh, aged 31 yers, d/o Sh. Shish Pal Singh, r/o 2374,
Sector 65, Phase 11, Mohali.

.... Respondent.

F.I.R.No.11/27.02.2021
U/ss 406,498A IPC
P.S. NRI, SAS Nagar.

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

Present: Mr. Sanjeev Trikha Advocate ,counsel for
accused/applicant.(appearedthroughVC)
Ms. Harpreet Kaur, Addl.P.P for the State assisted by
Sh. D.S.Bhinder Advocate, counsel for complainant.
(appeared throughVC)

O R D E R

1. Record received. Heard on the bail application filed by
accused under section 438 of the Cr.P.C.

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2. In brief, the case of the prosecution is that complainant Garima Singh has moved the complaint to ADGP, SAS Nagar to the effect that her marriage was solemnized with Kulwant Sheoran and on 18.07.2019 it was got registered. It was insisted by the families of the respondents that the social function according to Hindu rites and ceremonies would also be ceremonized on 19.07.2019 with great pomp and show. The father of the complainant was told about the job profile of bail applicant Kulwant Sheron. Preet Singh (father in law of complainant) stated that his son is working as Petroleum Engineer in Abu Dhabi in ADNOC Company UAE and is well settled in Abudhabi and his job is permanent and he is earning Rs. 5 lakh per month. On 28.08.2018, bail applicant Kulwant Singh, Preet Singh and other family visited the parental house of the complainant at Mohali. She asked Kulwant Sheoran about his job profile and other details. He stated that he is working as Petroleum Engineer in Abu Dhabi in ADNOC Company UAE and is earning Rs. 5 lakh per month. Preet Singh her father in law stated that they are having one plot and flat at Mohali, one plot in Karnal, 2 flats in Noida, one plot in Daruheda and also having 12-13 crores property in Bhiwani and also stated that they are having 3-4 luxury cars. In the month of April,2019, Kulwant Sheoran stated to the her that he wants to go to America and wanted to get American EB-5 Visa and wanted to start job in America. Kulwant Singh her husband and Preet Singh,her father in law asked her father to get said EB-5 Visa for Kulwant Sheoran as dowry. They stated

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that in case Kulwant is settled in America he will call her in America and both will live in America a lavish life. Her father left with no option and agreed for her better life. Thereafter, on 5th June, 2019 ring ceremony of her with Kulwant was performed as per their wishes. Her in laws pressurized her parents to give gold items to the friends and relatives whosoever visits in the ceremony. Her parents gave gold items to the friends and relatives. Her in laws stated that her marriage ceremony with Kulwant Singh would be performed on 19.07.2019. Her in laws started pressuring that Kulwant Sheoran would take her with him to Abu Dhabi and asked her to get residence visa for Abu Dhabi. Though, the marriage was to be solemnized on 19.07.2019 but on the insistence of her in laws, on 18.07.2019 marriage was solemnized according to Hindu rites and ceremonies and thereafter, her marriage with Kulwant Singh was to be solemnized on social basis and with all pomp and show on 19.07.2019 but her in laws stated that they are not in position to perform the marriage on social basis on 19.07.2019. Kulwant Sheoran left for Abu Dhabi and stated that in the month of October or November, they would get the marriage performed socially with all pomp and shows. On 20.07.2019 her husband left for Abu Dhabi. Thereafter, he went on call her and her father and went on pressurising for EB-5 visa. Her father was left with no option and for saving the marriage of her daughter, met one Arushi who is immigration agent, at Delhi on asking of her in laws. Said Arushi said that the total expenditure of EB-5 visa is Rs. 4 crores. Her in laws

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asked the father of complainant to pay the entire expenditure upon the EB-5 Visa and her father refused for the said EB5 Visa and he denied for the marriage but the respondent kept on pressurizing her father stated that they want EB-5 Visa for the better future of the complainant and for kids. For the sake of better future of complainant and in order to avoid social stigma, her father had to take heavy loan from bank, from PF account, by selling land and taking loan from friends and relatives for the purpose of obtaining EB-5 visa for America. After taking money, her in laws agreed for solemnization of marriage of her with Kulwant at social level and asked her father to book The Eden Garden, Karnal for the purpose of felicitation of marriage and on 15.11.2019, the function of her marriage with Kulwant Sheoran was solemnized as per Hindu rites and ceremonies . All the expenses of marriage were borne by her parents and about 30 lakhs were spent. She was entrusted with all her Istri Dhan to Kulwant and his family members. The lust of her in laws was not satisfied. On 22.11.2019, her in laws started taunting her for not bringing dowry as per their status. They called her parents as uncivilized persons and when she resisted, her husband caused severe physical beatings to her. Her in laws are greedy types of persons and their motive was only to usurp the money from her and her parents. After marriage, the behaviour of her in laws was good for few days but thereafter, the behaviour was turned drastically and her sister in law Archana started taunting her and started quarreling with her on one pretext or the other. Her father in law is

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having bad habit of taking liquor in excessive quantity. Under the influence of liquor, he used to call her with bad names. Her husband Kulwant also started causing cruelties to her on one way or the other. On 27.-28 November, 2019, her husband left for Abu Dhabi and on 16.12.2019, he came back to India to meet the immigration agent who was looking EB-5 Visa. Her husband assured that he will take her with him at Abudhabi. On 19.12.2019 her husband came to Mohali and on 20.12.2019, she went to her matrimonial home at Bhiwani and she again informed to her husband Kulwant regarding the conduct of his father but he did not pay any heed rather he rebuked her. On 26.12.2019, her husband left for Abudhabi without telling her and she came back to her parental house as Preet Singh Sheoran , her father in law started giving comments to her. Her husband came back to India on 21-22 January, 2020. She asked him as to why he had not taken her with him. Upon this, her husband stated that he was not having funds for ticket and visa. and thereafter, her father arranged the air ticket and visa for her. Thereafter, she went to abhdhabi on 01.02.2020. Her in laws had verified the account details of her and there were about 13 lakhs in her account. Her sister in law Archana and her husband pressurised her to pay a sum of Rs. 12 lakhs in their accounts but when she refused , her husband caused beatings and called her by bad names and asked to leave from Abudhabi on 10.02.2020 and thereafter, she came back to India. On 10.03.2020, her husband came back to India and thereafter, on 22.03.2020, they came to her parental

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house and expressed apology with commitment to take complainant back to Abudhabi but again her in laws caused cruelties to her and they taunted her that she is no match to Kulwant Singh and she does not know how to cook food . Her husband also stated that she is a typical Indian Lady wearing Indian dresses and he donot like the Indian ladies and he only like ladies who are Western culture friendly. On 22.06.2020, they caused mercy less beatings to her and she was kept starved and asked to leave the house. She brought this incident to the knowledge of her father. Her father came on 23.06.2020 and took her with him. On 27.07.2020, she received a telephonic call from some police official from Bhiwani that they have received a complaint against her and her father. Thereafter, she made several calls to her father in law but he did not pick calls of her and her father. Her father tried to contact Kulwant Singh and his father but both have blocked, her numbers. Since, 23.06.2020, she is residing in her matrimonial home and she was not even permitted to take her clothes and jewellery. She demanded her in laws to handover the jewellery, valuable clothes and other dowry articles but they refused. Her in laws treated her with physical and mental cruelty as long as she lived with them in the matrimonial house. Her husband caused her mental shock and agony by insulting her, used abusive language.

3. Notice of bail application was given to the State upon which, Ms. Harpreet Kaur , learned Additional Public Prosecutor and Sh. D.S.Bhinder Advocate on behalf of complainant put in appearance.

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4 Learned counsel for bail applicant has argued that applicant-accused has not committed any offence. He is innocent. Learned counsel for bail applicant has further argued that allegations stated in the FIR as well as in the complaint are absolutely false and frivolous one and have been created just in order to conceal own wrongful acts and omissions of the complainant. Learned counsel for bail applicant has further argued that complainant was never treated with cruelty nor any dowry was demanded rather the complaint of the complainant is false. Learned counsel for bail applicant has further argued that bail applicant and his family member never demanded any money from the complainant and her family members for EB-5 Visa as bail applicant is well settled in Abu Dhabi since long in Government owned company and it is only complainant who was interested to get Permanent residency of USA . Learned counsel for bail applicant has vehemently argued complainant not only deserted the matrimonial home but also severed ties with the bail applicant in June, 2020 itself by breaking all communication with bail applicant. Complainant deserted her matrimonial home on her own account and sought divorce from the bail applicant. Nothing is to be recovered from bail applicant. In support of his contentions, he has he also put reliance upon the case law laid down by Hon'ble Punjab & Haryana High Court titled as ' **Bhupinder Singh etc. Vs. State of Punjab, 2014(2) RCR(Criminal) 109, 'Sangeeta Vs. State of Haryana &**

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another' 2016(4) Law Herald, 2899. Learned counsel for bail applicant further relied upon the case law laid down by Hon'ble Supreme Court of India titled as **Arnesh Kumar vs. State of Bihar**, 2014 AIR (SC) 2756 and prayed for allowing the bail application .

5. On the other hand, learned Addl. PP for State duly assisted by learned counsel for complainant has opposed the arguments of learned defence counsel on the ground that bail applicant has committed heinous offence. . He further argued that bail applicant has treated the complainant with cruelty for want of more dowry .He further argued that custodial interrogation of bail applicant is required for further investigation and recovery of gold articles. In last, he prayed that bail application may kindly be dismissed.

6. After going through the rival contentions submitted by learned Addl. PP for the State as well as that of learned counsel for bail applicant, it is revealed that accused/applicant is husband of the complainant who is the main accused in the case in which present bail application has been filed. The bail applicant is alleged to have subjected the complainant to cruelty and beaten her, as per prosecution version. Specific allegations with regard to demand of more dowry, taunting for bringing less dowry and harassment to the complainant have been levelled by the complainant. No doubt, the allegations set out therein are yet to be adjudicated in the court of law

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on merits, but the same at this stage, is pointer to the conclusion that applicant/accused must have inflicted cruelty upon complainant and her allegations are not groundless/baseless leading to inescapable conclusion that allegations against accused/applicant being serious in nature in the present case do not entitle him to concession of bail under Section 438 Cr.P.C. Apart from that, the recovery from the accused/applicant is still to be effected. The investigation is still in progress and accused/applicant may be required for further investigation as well as for effecting recovery. So far , the case laws referred by learned counsel for bail applicant are concerned, those are not applicable to the facts of the present case and are distinguishable.

7. Accordingly, keeping in view all these facts and circumstances and above mentioned detailed discussion of mine, the application in hand carries no weight in it and same is, hereby, dismissed. Police record be returned to the concerned Police official/Naib court of the court against proper receipt. File be consigned to Record Room.

Pronounced: 02.06.2021

Jyotsna
stenographer I

(Avtar Singh Barda)
Additional Sessions Judge,
SAS Nagar (Mohali)
UID NO. PB0159

This order has been directly dictated on computer

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Present: Mr. Sanjeev Trikha Advocate ,counsel for
accused/applicant.(appearedthroughVC)
Ms. Harpreet Kaur, Addl.P.P for the State assisted by
Sh. D.S.Bhinder Advocate, counsel for complainant.
(appeared throughVC)

Police record received. Sh. D.S.Bhinder Advocate has filed power
of attorney on behalf of complainant. Arguments heard. Vide my separate
detailed order of even date, the bail application stands dismissed.

Police record be returned to the concerned Police
official/Naib court of the court against proper receipt . File be consigned
to Record Room.

Pronounced: 02.06.2021

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Additional Sessions Judge,
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