

PBGD010095342023



Presented on : 15-11-2023

Registered on : 15-11-2023

Decided on : 17.11.2023

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

Computer generated No. BA-3890-2023

Bail application no. 571 of 15.11.2023

Date of order: 17.11.2023

Gurpinder Singh son of Tarsem Singh resident of Azampur, Fatehgarh  
Churrian, Tehsil Batala, District Gurdaspur.

---Accused/applicant

Versus

State of Punjab.

FIR No. 99 dated 13.09.2023

U/s 498-A/406 IPC

P.S. Dhariwal

**1<sup>st</sup> BAIL APPLICATION U/S 438 CR.P.C**

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

**O R D E R**

1. This order of mine shall dispose of bail application moved under Section 438 Cr.P.C on behalf of above said accused/applicant Gurpinder Singh for releasing them 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 of an application moved to SSP, Gurdaspur by

Sandeep Kaur wife of Gurpinder Singh wherein she stated that her father is a labourer, who used to ply the vehicle in a Gas Cylinder Agency. They are two sisters and her father has no other source of income. Her marriage was fixed on the assurance of parents of accused namely Tarsem Singh and Surjit Kaur that they are poor persons and could not give any dowry articles in the marriage to which her in laws agreed, but later on they disclosed that Gurpinder Singh wanted to go Dubai and they should solemnize the engagement. Her in laws family also assured that they would not invite their relatives in the marriage and as such the engagement should be solemnized in a decent manner and hence in the said engagement, her parents spent huge money. Thereafter her husband went to Dubai and when he came back, then 20.02.2019 date was fixed for marriage. Prior to the marriage, Tarsem Singh, Surjit Kaur and her husband Gurpinder Singh started raising demands one by one and her father borrowed money from the relatives and solemnized her marriage. Her father had given dowry articles including electronic appliances, gold ornaments, clothes etc. Thereafter, her husband went to Dubai and her parents in laws started harassing her and raised demand of motorcycle and when she refused, they started beating her. She was in a family way and when she demanded money from her in laws, they used to abuse and taunt her and as her condition was deteriorated, then she called her parents, but her in laws also insulted them and then her parents took with them at village Lehal. Thereafter, one daughter was born at Dillon Hospital, Dhariwal and her parents in law and husband had

come to see her daughter, but they did not pay any money for her treatment. Then her husband had come from Dubai and took her with him, but he did not fulfill daily needs for her and for her daughter and used to taunt and harass her. Thereafter, her husband again went to Dubai and telephonically abused her and used to issue threats to her. Her parents had visited in her in laws house, but her parents in law insulted them. Her husband called her telephonically and told that she should leave his house and to go her parents house otherwise she would face dire consequence. On 15.02.2023 she came in her parents house with her father at village Lehal. After four days, her husband came from Dubai and he abused and threatened her telephonically. Upon the said application, enquiry was conducted and ultimately, 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. It has been further contended that after few months of marriage, the accused-applicant went abroad and he never demanded any dowry from the complainant or maltreated her. It has been further contended that father of the accused-applicant had moved an application to SSP, Gurdaspur against complainant as she left her matrimonial home alongwith cash of Rs. 2,35,000/- and gold ornaments and this FIR has been registered to counter blast. It has further been submitted that accused-applicant 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 allegations of demanding dowry have been levelled against present accused-applicant, which are grave in nature. It has further been argued that the recovery of dowry articles is yet to be effected from the present applicant. 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 they 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 the complainant with utmost cruelty on the demand of dowry and also misappropriated her istri dhan. There are also allegations against the present accused-applicant that he raised demand of motorcycle. These are very grave and serious 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 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. Papers be consigned to the record room.

Date of Order : 17.11.2023

Dilbag Singh, Stenographer-II

(Ajit Pal Singh)

Additional Sessions Judge

Gurdaspur/ UID No. PB0226