

**IN THE COURT OF SANDEEP SINGH BAJWA
ADDITIONAL SESSIONS JUDGE,
AMRITSAR.**

**BA No. 1850 dated 23.4.2018.
CNR No. : PBAS010053212018.
Date of decision:- 18.05.2018.**

State of Punjab

Versus.

Maninder Singh, aged 38 years son of Late
Surinder Singh, R/o L-4/1233, Sultanwind Road,
Amritsar.

-----Accused.

FIR No. 51 dated 27.08.2017.

U/s 498-A/406 of IPC.

P.S. Women, Amritsar.

Present:- Sh. Deepak Piplani, Adv., counsel for the applicant/accused.

Ms. Rittu Mumar, Additional Public Prosecutor for the
State assisted with Sh. Amandeep Singh Saini, Adv. Counsel for
complainant.

Ist Bail application u/s 438 for grant of anticipatory bail.

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ORDER

1. The present bail application has been preferred by
applicant/accused under section 438 of Cr.P.C for grant of anticipatory bail

in FIR No. 51 dated 27.08.2017, under section 498-A, 406 of IPC, police station Women, Amritsar.

2. Abbreviated facts, necessary for the disposal of the instant bail application are that prosecution was launched on the complaint of complainant Manjinder Kaur against the applicant/accused and his family members on the allegations that she got married to Maninder Singh on 12.3.2012 as per sikh rites and at the time of marriage, her parents entrusted sufficient dowry articles to the accused persons consisting of gold jewellery, furniture, electronic and house hold articles. She further alleged that after 5/7 days of marriage, the accused persons started taunting and beating her for the demand of big car and Rs. 10 lac. She further alleged that she gave birth to a male child on 10.7.2013 and all the expenditures were borne by her parents at the time of her delivery. She tolerated their cruel behaviour with the hope that better sense will prevail but to no effect. She further alleged that at the birth of her child, when her parents gave them a car Indica Vista, then they became more cruel on the pretext that they wished to take a big car alongwith Rs. 10 lacs. from her parents. Her husband is addicted of gambling and they have to pay money of many persons. Her parents also helped him to start business by giving construction material of a plot. She further alleged that on 14.12.2015, all the accused persons in

connivance with each other gave beatings to her and illegally made demand to bring money from her parents and when she showed inability to fulfill their demand, they left the house after locking her dowry articles in a room. She further alleged that she was living alone in her matrimonial home at the mercy of her parents. On 17.4.2017, when she went to meet her parents, his brother-in-law Amrik Singh, sister-in-law Sandy and mother-in-law Manjit Kaur tried to break the locks of the house in her absence and when she reached there, they ran away from the spot. She is afraid of dire consequences and taking possession of her house hold articles which her parents gave to spend her live from the hands of accused persons. On the complaint, the inquiry was conducted and the instant FIR was lodged against husband Maninder Singh and Manjit Kaur mother-in-law.

3. Notice of the same was given to state and police record was also summoned.

4. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in this case. He further argued that the marriage was simple and no dowry articles were given to any of the accused. He further argued that the present FIR is counter-blast to the divorce petitioner filed by applicant/accused against the complainant. He further argued that the complainant was earlier married to one Bhupinder

Singh and this fact was concealed by the complainant and her parents at the time of marriage and on asking, she did not give proper reply and started misbehaving with the applicant/accused and widow mother. This marriage is the first marriage of the applicant/accused. She and her parents have harassed and tortured the applicant/accused physically as well as mentally. He further argued that the complainant herself has left the company of applicant. The entire articles of the complainant are at present in the police custody. He further argued that the applicant is ready to join the investigation and would abide by all the terms imposed by this Court. Thereafter, he prayed for accepting the bail application.

5. Per Contra learned Additional Public Prosecutor for the state assisted by learned counsel for the complainant has argued that the complainant has been treated cruelly by the applicant and his family members and dowry articles and gold jewellery is to be recovered from the applicant. She further argued that he being husband did not support the complainant in her matrimonial home rather he himself alongwith other accused beaten her on the demand of big car and cash and even thrown her alongwith child from the matrimonial home. She further argued that custodial interrogation of applicant is necessary in order to ascertain the role of applicant and for recovery of gold as well as dowry articles.

Thereafter, she prayed for dismissal of the bail application.

6. I have heard the rival contentions and have perused the police record.

7. In the instant case FIR was registered on the statement of complainant Manjinder Kaur who has mainly alleged that she was married to applicant/accused on 12.3.2012 and sufficient dowry articles including gold jewellery, furniture, electronic and house hold articles were entrusted to the applicant/accused and his family members by her parents. She further alleged that after the marriage she was being tortured and beaten by the applicant/accused and his family members for bringing cash Rs. 10 lacs and a big car. It has further been alleged that the applicant-accused and his family members remained adamant on the demand of cash and a big car and several times gave beatings to the complainant and treated her with utmost cruelty. She tolerated it with the hope that the better sense will prevail but the lust of dowry of the accused persons did not end and they caused physical and mental cruelty to the complainant on account of non-fulfillment of their demands of dowry and ultimately, they left the house by locking her dowry articles in a room. She was living alone in her matrimonial home at the mercy of her parents and when she went to meet them on 17.4.2017, the accused persons entered into the house and tried

to lock the house hold articles of the complainant given by her parents to spend life. Perusal of the record reveals that the allegations against the applicant/accused and his mother-in-law Manjit kaur were found to be true and correct and lodging of FIR was recommended against both of them. Inquiry report further unfold that the accused persons on 17.4.2017 entered into the house in the absence of complainant and took away her house hold articles and locked the house. All the facts and circumstances of the present case shows the involvement of the applicant-accused in each and every moment of maltreatment and he physically and mentally tortured the complainant on the illegal demands of a big car and cash whereas he being husband was duty bound to protect her wife in the matrimonial home. It is worth adding here that applicant/accused has also mortgaged the motorcycle on the name of complainant which is substantiated from the statement of one Gagandeep Singh whose suffered statement that the applicant-accused was in need of money and he mortgaged the motor-cycle with him for Rs. 30,000/- and the said motor-cycle was on the name of complainant and then on the asking of applicant-accused, he sold the same to some other person by obtaining the signatures of Manjinder Kaur on sale form for sum of Rs. 30,000/-. The allegations against the applicant-accused are serious in nature being husband. Moreover, recovery of dowry articles

is to be made from him. Ld. Addl.PP for the state has contended that custodial interrogation of the applicant/accused is essential for the recovery of dowry articles and for ascertaining his role and role of others. In the facts and circumstances of the case and gravity of offence, this court fully concurs with the contention of Ld. Addl.PP for the state.

8. Therefore, keeping in view the fact and circumstances of the case that serious allegations have been levelled against the applicant/accused and further the fact that the applicant-accused being husband was duty bound to protect the complainant and his child in her matrimonial home but he threw the complainant alongwith her child from the matrimonial house and refused to rehabilitate her, however, without expressing opinion on merits of the case and keeping in view the seriousness of allegations and gravity of offence, the instant bail application sans merit and is accordingly dismissed. Police record be returned. File be consigned to record room.

Pronounced in open court.

Dated:- 18th May of 2018.

**(Sandeep Singh Bajwa),
Additional Sessions Judge,
Amritsar.
Unique Identity Code: PB0446.**

Karamjeet Kaur,
Stenographer Grade-II.