

Kuldeep Singh Vs. State of Punjab

CIS No.BA-19-2021
CNR No.PBHOC1000215-2021

FIR No.-13dated 07.03.2021
Under Sec-498-A, 354-B, 323, 506 IPC.
Police Station – Hajipur.

Present: Sh. Sucha Singh, Adv. Counsel for accused-applicant- Kuldeep Singh
Sh. Rajinder Singh, Ld. APP for the State

ORDER

This order of mine shall dispose off bail application moved by
Sh. Sucha Singh, Advocate, on behalf of accused-applicant-Kuldeep Singh.

2. The present FIR has been registered on the statement of complainant Renu Kumari wife of Kudeep Singh who got registered the FIR on the allegations that on 05.03.2021 at about 08:00 PM, accused-applicant Kuldeep Singh committed atrocities on the person of complainant. Further stated that accused-applicant started beating the complainant since 08:00 Pm on 05.03.2021 till the morning of 06.03.2021. Thereafter, accused-applicant had beaten the complainant with his shoes and with the rod after making the complainant naked. It is further stated that the accused-applicant disrobed the complainant and after doing this act, he started clicking the pictures of complainant and threatened to put these pictures and videos on Internet. It is further stated that the accused-applicant got the complainant to sign on blank papers by using Kirtch/Datar. It is also stated that thereafter the accused-applicant confined the complainant in the diggi of his car for about 2 hours and thereafter dragged her from her hair. On these allegations the present FIR was arrested on 07.03.2021.

3. The counsel for the accused-applicant argued that the accused-applicant is law abiding citizen and is married to complainant in the

year 2010 and out of the lawful wedlock two male children have been borne. He further argued that it is the behaviour of the wife of the accused-applicant which is harsh, cruel and un-co-operative and the accused-applicant is trying to save his matrimonial life. It is further argued that the accused-applicant has been falsely implicated in this case and the allegations levelled against him are totally false and requested that the present application for granting bail for accused-applicant should be allowed.

4. Notice of the bail application has been given to the learned APP for the State. Learned APP for the State did not file the reply to the present bail application. However, he vehemently argued that the present bail application should be dismissed as serious allegations have been levelled against the accused-applicant. Learned APP for the State has also placed on judicial file, record pertaining to DDR entries dated 20.11.2018 and 14.06.2020 showing that the accused-applicant had earlier also committed atrocities on the complainant.

5. I have heard the Ld. APP for the State as well as Ld. Counsel for the accused-applicant and perused the documents placed on record as well as the police file. Perusal of the record reveals that the present FIR was registered against the accused-applicant under Section 498-A, 354-B, 323, 506 IPC. **Offence under Section 498-A IPC provides punishment of imprisonment for three years and fine. However, the offence under Section 354-B IPC provides punishment of imprisonment of not less than three years which may extend to seven years with fine.** The argument of the ld. Counsel for the accused-applicant is that the parties are married for the last 11 years and hence offence under Section 354-B IPC is not made out. The argument of ld. Counsel for the accused-applicant is not tenable as Section 354-B of IPC provides that

“any man who assaults or uses criminal force to any women with the intention of disrobing or compelling her to naked shall be punished for the offence under Section 354-B of IPC”. Hence, from the facts of this case, offence under Section 354-B of IPC is squarely made out.

6. The counsel for the accused-applicant further argued that the accused-applicant is serving in Punjab Police and hence lenient view should be taken. The present argument of the ld. Counsel for the accused-applicant also holds no merit as accused-applicant is holding a position which creates reasonable apprehension that the witnesses may be influenced during the investigation of the present case. Moreover, the DDR entries dated 20.11.2018 and 14.06.2020 placed on record by the ld. APP for the State shows that the accused-applicant had earlier also beaten the complainant and she had reported the said matter before the police officials. As the accused-applicant is in police department, it creates reasonable apprehension of tampering of evidence and threat to the complainant.

7. Therefore, taking into consideration the nature and the gravity of the accusations made by the complainant against the accused as well as the severity of punishment in the event of conviction, I do not deem it appropriate to grant concession of bail to the accused-applicant. Hence, the present bail application is hereby dismissed. Papers be attached with the FIR.

**Pronounced in the open Court :
16.03.2021**

Upendra Singh
Stenographer-II

**Manik Kaura, PCS
Judicial Magistrate Ist Class,
Mukerian. (Duty)
(UID No. PB0579)**