

State Vs. Veena Verma

Present Sh. Yoginderpal Singh Kansal Advocate, counsel for
 accused/ applicant, namely Veena Verma.
 Sh. Anshuman Syal, Additional PP for the State

ORDER

Heard on the application for bail under Section 438 of CrPC filed by the accused/ applicant, namely Veena Verma wife of Ashok Kumar Verma, in the case bearing FIR No. 99 dated 03.06.2023, under Section 498A, 406 and 120B of IPC, P.S. City South, Moga, District Moga

2. Notice of the bail application was served upon the State and record of the police station was requisitioned.

3. In brief the facts as emanate from the First Information Report are as under:-

A complaint in writing was moved by complainant Osheen, daughter of Ram Mohan Jaidka to the SSP, Moga for registration of an FIR against 1) Kanav Verma son of Ashok Verma, 2) Veena Verma wife of Ashok Verma, 3) Amit Verma daughter of Ashok Verma and 4) Jaideep Verma son of Amrit Lal Verma. The said complaint was marked by the SSP, Moga to the DSP (Crime against Women and Children), Moga, who submitted his inquiry report to the effect that complainant Osheen was married to Kanav Verma on 09.10.2016, as per Hindu religious rites and rituals and at the time of their marriage, sufficient dowry was given to the family of the bridegroom as per the financial capacity of the parental family of the bride, but thereafter, there being no issue/child out of their wedlock, Kanav Verma and his family started harassing and maltreating the complainant Osheen for bringing less dowry and stated

that they were insulted in the society that Kanav Verma was married in a poor family, rather, they started insisting upon complainant Osheen to fetch share in the property of her parents and demanded transfer of the ownership of a petrol pump from the father of the complainant Osheen to her husband Kanav Verma and upon her denial, complainant Osheen was thrashed and thrown out of her matrimonial home. The DSP (Crime against Women and Children), Moga, further concluded that Kanav Verma's brother, namely Anmol Verma left for America along with his wife and child soon after engagement on 09.04.2016 and being not on good terms with Kanav Verma, his sister, namely Amita Verma and her husband returned the gifts, handed over to them at the time of ring ceremony, and did not attend their marriage. Thereby, brother and sister of the husband Kanav Verma and their spouses were found innocent by the DSP (Crime against Women and Children), Moga. Thereafter, opinion of the DA (Legal) was sought and the present case FIR under Sections 498A, 406 and 120B of IPC was registered against the husband Kanav Verma and his mother Veena Verma.

4. Counsel for the accused/ applicant argued that the marriage of the complainant with son of the accused/ applicant was performed in a very simple way, without any dowry. He further argued that the FIR was false and accused/ applicant was unnecessarily roped in by the police to put pressure upon his family. He further submitted that accused/ applicant is ready to join the investigation. Thereby, a prayer for grant of pre-arrest bail was made.

5. On the other hand, Additional PP for the State prayed for dismissal of the application for bail, while submitting that if granted the

benefit of anticipatory bail, it will seriously prejudice the case of the complainant. He further argued that the matter is of serious nature, wherein, discretion of granting the benefit of anticipatory bail should not be exercised.

6. I have considered the submissions from both the sides and have gone through the material on record.

7. The present case FIR has been got registered by the complainant after 6 years of her marriage. Then, neither any specific allegations of cruelty against the accused/ applicant are there nor any specific date of any incident of cruelty by the accused/ applicant has been given. Then, accused/ applicant, namely Veena Verma, who is the mother in law, is not to be benefited by the alleged demand of transfer of the ownership of the petrol pump. It is only the husband, against whom, there are specific allegations in this regard.

8. On prima-facie analysis of the nature and gravity of offence, act attributed to the accused/ applicant and other factors peculiar to the case, there would be no justifiability for custodial or pre-trial incarceration of the accused/ applicant at this stage. No circumstances have been explained by the investigating agency, suggestive of the accused/ applicant fleeing from justice or throttling the course of justice. For what purpose, custody of the accused/ applicant is required, has not been explained by the investigating agency.

9. The power to refuse anticipatory bail is not to be exercised as if a punishment before trial is being imposed. Refusal or cancellation of bail should not be used as an indirect process of punishing an

accused person before she is convicted. The only material considerations in such a situation are whether the accused/ applicant would be readily available for her trial and whether she is likely to abuse the discretion granted in her favour by tampering the evidence. The same can be taken care of by imposing elaborative and stringent conditions, as has been laid down in Ved Parkash and Others and State of Haryana in CRM- M 53695 of 2022 decided on 21.11.2022 by Hon'ble the High Court of Punjab and Haryana, Chandigarh.

10. As such, the accused/ applicant is directed to join the investigation within three days or thereafter, as and when required by the investigating officer and in the event of her doing so, she is ordered to be released on anticipatory bail to the satisfaction of the Investigating Officer/ Arresting Officer, subject to the conditions as enshrined under Section 438 (2) of CrPC and subject to the conditions as follows:-

1. the applicant/ accused shall make herself available for interrogation by the investigating officer/ competent police officer as and when required;
2. the applicant/ accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court to any police officer;
3. the applicant/ accused shall not leave India without the previous permission of the Court;
4. the applicant/ accused shall attend the proceedings in accordance with the conditions of the bonds so executed under Chapter XXXIII of CrPC.
5. the applicant/ accused shall not commit an offence similar to the offence of which she is accused, or suspected, of the commission of which she is suspected;

6. the applicant/ accused shall not tamper with the evidence by any means;

7. the applicant/ accused shall appear before the trial court on each and every date of hearing unless her personal appearance is exempted.

11. In case of violation of any of the conditions so imposed upon the applicant/ accused, the investigating officer will be at liberty to file an appropriate application seeking cancellation of the bail granted to the applicant/ accused through the present order.

12. Needless to mention that anything discussed herein above shall have no bearing, whatsoever, upon the merits of the case and observations made herein above, if any, are solely for the purpose of disposal of the application in hand.

Pronounced in open court
Dated 31.08.2023

Sanjeev Kumar, Stenographer

(Sanjeev Kundi)
Additional Sessions Judge,
Moga.
UID No. PB-0246