

Shubham Chawla Vs State.
CIS No.BA/1816/2020.
CNR No. PBFZ010033892020.

Present: Sh. JS Kalra, Advocate counsel for the applicant/
accused.
Sh. Balwinder Singh, Addl. PP for State assisted by
Sh. MK Bajaj, Advocate, counsel for the complainant.
(Both through Video link)

The present bail application presented before the undersigned
being Duty Judge.

2. Applicant Shubham Chawla son of Sudarshan Kumar,
resident of New Kanshi Nagri, Ferozepur City, has filed the present bail
application under Section 438(i) of Cr.P.C., in FIR No.07 dated
07.08.2020, Police Station Women Cell Ferozepur, under Sections
406/498-A of IPC, for granting him anticipatory bail.

3. It is averred in the application that a false case has been
registered against the applicant. The allegations in the FIR are false,
vague and highly improbable. There is no allegation of any demand or
misappropriation of the dowry. Even, the complainant has given an
affidavit to the effect that she has already received back the entire gold
articles, if any, from the applicant. It is further submitted that the
applicant/accused apprehends his arrest by the police in the present case,
and hence the present bail application with prayer to grant bail to him.

4. Upon notice, Sh. Balwinder Singh, Learned Additional PP for
State has appeared on behalf of the State-respondent and contested bail
application. Police record was summoned and perused.

5. Learned counsel for applicant/accused has contended as per
the lines as mentioned in the bail application. He further contended that
custodial interrogation of applicant/accused is not required and the
applicant/accused will not misuse the concessions of the bail, if so granted
by the Court and shall abide by all the conditions, which may be imposed
by the Court. It was prayed that application be allowed.

6. On other hand, learned Additional PP for the State has argued that serious allegations are levelled against the applicant/ accused. It was prayed that application be dismissed.

7. This Court has heard counsel for the applicant/accused, learned Additional PP for the State and have gone through the record on file.

8. On perusal of record, it has been revealed that the present case has been registered against the applicant/accused and others (non applicants) on the basis of an application moved by complainant Rubi Narang daughter of Lachhman Dass to SSP, Ferozepur on 12.03.2020 against her husband Shubham Chawla, Neelam Chawla, her mother in law, Sudarshan Chawla, her father in law, Shivam Chawla, her brother in law and Neha Chawla, her sister in law.

9. There is no dispute regarding the fact that the complainant got married to applicant Shubham Chawla on 12.12.2017 and it was a love cum arranged marriage. Even, as per the allegations of the complainant, at the time of marriage, no dowry articles have been given but the dowry articles were given on the day of Lohri i.e. on 13.01.2018, which included gifts to her in laws family and other domestic goods. It has been further alleged that the applicant with his family members has been harassing her for bringing less dowry and they raised demand of more dowry. Even they raised demand of Bolino car, which was purchased on the name of the complainant by her father before her marriage.

10. It has come on record that when dispute arose between the parties, then the complainant along with the applicant started living separately in a rented accommodation and all her domestic articles were lying in the rented accommodation. But later on again there arose dispute between the parties and now they had been living separately.

11. Even during investigation, it has been found that the complainant has been living separately from her in laws. So, they had no role in the dispute between the complainant and the applicant as they

themselves separated the applicant and the complainant and even no case has been registered against them. As far as the applicant is concerned, he is husband of the complainant and it was a love marriage and no dowry articles have been given at the time of marriage. After that, a matrimonial dispute arise between the parties and they started living separately from in laws family of the complainant. Only general and vague allegations have been levelled against the applicant regarding raising demand of dowry. It seems to be a matrimonial dispute between the parties.

12. So, taking into consideration all the above facts and circumstances of the case, and without commenting upon the merits of the present case, it is the fit case to grant interim bail to the applicant/accused. Furthermore, as the custodial interrogation of the applicant/accused is not required and the applicant/accused is ready to join the investigation and undertook to cooperate the Investigating Officer. Accordingly, in the event of his arrest, applicant/accused- aforesaid shall be admitted to **interim bail** to the satisfaction of the Investigating Officer on or before 29.08.2020 with the following conditions:-

- (i) the applicant shall make herself available as and when required by the Investigating Officer,
- (ii) the applicant will produce all the dowry articles belonging to the complainant, which are in his possession before concerned SHO for giving back it to the complainant.
- (iii) the applicant shall not induce/threat any of th prosecution witness or tamper with the evidence in any manner,
- (iv) the applicant shall not leave India without prior permission of this court.

13. Report of Investigating Officer be called for 29.08.2020.

Dated: 26.08.2020.

sd/-

anil kumar
Stenographer Gr.II.

(Rajni Chhokra)
Addl. Sessions Judge,
(Fast Track Court, exclusively
dealing with rape cases) Ferozepur
UID No. PB0168. (Duty).