

PBGD010037762021



Presented on : 04-06-2021

Registered on : 04-06-2021

Decided on : 16.06.2021

IN THE COURT OF Additional District and Sessions Judge AT,
Gurdaspur (Presided Over by SH. AJIT PAL SINGH) BA-1785-2021
UID no. PB0226

FIR no. 007 dated 22.01.2020

U/S 498-A/406/120-B IPC

P.S. Sadar Gurdaspur

Present: Sh. Inderjit Sharma, Adv., counsel for accused-applicant
through voice call.
Sh. Hardeep Kumar, Addl.P.P for the State.
Sh. R.S. Goraya Advocate, counsel for complainant
through voice call.

ORDER

1. Today ASI Ravinder Singh, no. 1291/Gsp. P.S. Sadar Gurdaspur has come present and suffered statement (separately recorded) that accused/applicant Surinder Singh has joined investigation in compliance of order dated 08.06.2021 on 14.06.2021. However, he stated that recovery of gold ornaments is yet to be effected.
2. Arguments on bail application under Section 438 of Cr.PC for pre-arrest filed on behalf of accused/applicants and State assisted by Sh. R.S. Goraya Advocate heard.
3. From the perusal of record, it transpires that vide order dated 08.06.2021 passed by this court, the present accused/applicant was granted interim bail with the direction to join investigation and comply with the conditions mentioned therein. As it is evident from the statement of ASI Ravinder Singh aforementioned, the present accused/applicant has

duly joined investigation and as such has complied with the order dated 08.06.2021. Learned Additional PP for the State assisted by learned counsel for complainant has stated that the alleged recovery of gold ornaments is yet to be effected and as such, present accused/applicant is not entitled to be given concession of anticipatory bail. However, I am not convinced with the contentions so put forth by learned APP for the State assisted by learned counsel for complainant because law is clear that the proceedings under Section 498-A/406 IPC cannot be used as tool for recovery of dowry articles, if any of the bride. Reliance in this regard can be placed upon **Prit Pal Singh Vs. State of Punjab and another, in 2014 (5) RCR (Criminal) 771.** Further the alleged entrustment of dowry articles is a matter to be appreciated at the time of leading evidence before the learned trial court. At this stage, keeping in view that accused/applicant had already joined investigation and complied with the order aforementioned, the bail order dated 08.06.2021 is made absolute subject to the conditions as envisaged under section 438(2) Clauses (i), (ii) and (iii) of Cr.P.C enumerated as under:-

- 1) That accused/applicant shall make himself available for interrogation by a police officer as and when required;*
- II) That accused/applicant 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 them from disclosing such facts to the court or to any police officer;*
- III) That accused/applicant shall not leave India without the previous permission of the learned trial court;*

However, nothing as expressed in the said order shall

have any bearing on the merits of the main case. Police record be returned and papers of bail application be consigned to Record Room.

Pronounced in the open Court
Dated: 16.06.2021
Dilbag Singh, Steno-II

(Ajit Pal Singh)
Addl. Sessions Judge,
Gurdaspur. UID no. PB0226