

**In the Court of Jatinder Pal Singh Khurmi, Additional Sessions Judge,
Hoshiarpur. (UID No.PBO-0057).**

Bail application No.3551-2021
CIS No. BA-1722-2021
CNR No. PBHOO1004654-2021
Date of Decision: 28.7.2021

Sham Lal, aged about 38 years son of Vachaspati, resident of Village and Post
Office Kotla, Tehsil Bhogpur, District Hoshiarpur.

-----Accused/applicant

Versus

State of Punjab

-----Respondent.

FIR No.140 dated 7.7.2021
Under Sections 406 & 498-A IPC
P.S. Dasuya, District Hoshiarpur.

(Application for grant of anticipatory bail U/s 438 Cr.P.C)

Present: Shri M.K. Ralh, Counsel for applicant-accused.
Shri Puneet Jaggi, Public Prosecutor for the State.
Assisted by Shri S.S. Bhardwaj, Counsel for complainant.

ORDER:

1. The present bail application has been moved by the Ld. Counsel for the accused-applicant on the ground that accused-applicant is innocent and has been falsely implicated in the present FIR. The present FIR has been got registered by the complainant Freena Rani against the accused-applicant Sham Lal on totally false and baseless allegations. The complainant is wife of accused-applicant who levelled false and frivolous allegations. There is no evidence with the prosecution to connect the accused-applicant with the alleged offences and the whole prosecution story is concocted by the complainant with an ulterior motive to harass the accused-applicant. He further averred that no offence has been committed by the accused-applicant. The accused-applicant is ready to join

the investigation and to surrender before the investigation agency as and when directed by the court. There is no apprehension that the presence of the accused-applicant shall not be procured at the time of trial. The accused-applicant undertakes to abide by all terms and conditions as imposed by this court while granting the concession of anticipatory bail to him. Hence, he be released on bail.

2. Notice of this bail application was given to the Public Prosecutor for the State assisted by counsel for complainant contested the bail application and argued that accused has committed heinous crime, so the present bail application may kindly be dismissed.

3. As per allegations, this case was registered on the complaint moved to SSP, Hoshiarpur by complainant Freena Rani wife of Gurbhej Singh, R/o Village Ghimbawal, P.S. Dasuya, District Hoshiarpur against Sham Lal (husband) son of Vachaspati, Vachaspati (father in law), Santosh Kumari (mother in law), Brij Lal son of Vachaspati (brother in law), Sonu (brother in law) son of Vachaspati, Saroj Kumari Sonia, Verkha daughters of Vachaspati, all residents of Village Kotla, P.S. Adampur, District Jalandhar, in which, she has stated that her marriage was solemnized Sham Lal on 04-10-2019 at Warach Farm, Tanda as per rites and ritual. Her father gave hue dowry in the marriage according to her capacity and her in laws family member were greedy in nature. After the some time of marriage, they started demanding dowry from her and also started taunting, beating and harassing her. When she narrated the whole story to her

husband, he started talking to her that if she did not do it, she would do it with his family. Even before the marriage the family members of her husband said that boy is doing Government Job and earning Rs.40,000/-.

4. It is further stated that after the marriage, she came to know that in the said school, her husband doing private job and earning Rs.5,000/- per month. Her husband started beating her on the demand of vehicle from her parents. Two sisters of her husband are unmarried and her husband said to her that their marriages will solemnize and for their marriages, she bring gold from her parents. Her father in law uses abuses language against her after consuming liquor. Her sister in law who is married and whenever she came, she beating her and when she got pregnant, her mother in law said to her that they wanted boy child from her. Her brother in law (Jeth) is doing job in Health Department. He said to her to checkup the determination of complainant and if they found that she will give birth to girl then they got abortion her. They forced to her for going to Hospital, but she did not went to hospital with them. Thereafter, they said to her that she will give birth to child at her parental house. On this, she came to her parental house. Now, eight months have passed she residing in her parental house and her girl is now aged about 4 months. From the last four months, her husband did not came to her at her parental house to meet her and her child. Her in laws family made false allegations upon her. Kindly legal action be taken against them. Accordingly, on the statement of complainant, present case was registered under Sections 406 & 498-A IPC against applicant-accused Sham Lal.

5. Learned counsel for the applicant-accused has argued that false

FIR has been registered by the complainant against applicant/accused. There is no evidence with the prosecution to connect the accused-applicant with the alleged offences and the whole prosecution story is concocted by the complainant with an ulterior motive to harass the accused-applicant. He further averred that no offence has been committed by the accused-applicant. Therefore, he should be granted benefit of anticipatory bail.

6. I have heard the Public Prosecutor for the State assisted by complainant counsel and the Learned Counsel for the accused-applicant and seen the file very carefully.

7. Now, from the facts and documents on record, it comes out that marriage of complainant with applicant Sham Lal took place on 4.10.2019. According to complainant, dispute arose and she filed complaint bearing No.446-PD dated 29-01-2021 whose inquiry was conducted by SHO Dasuya and case against applicant was registered under Sections 406 & 498-A IPC.

8. As per police record memos of the dowry articles was prepared. Even on 27.7.2021 two watches of HMT Company and two golden rings, one pair of ear rings, one golden chain, one necklace alongwith ear rings were taken into police possession.

9. Another memo dated 27-07-2021 regarding identification of dowry articles was done where both complainant and his father appeared and identified one Almirah, One Dressing Table, One fridge, one set double box bed along with two mattress, one sofa set five seater alongwith glass table, one LED 32 inch, one washing machine and iron box.

10. Even an application dated 21-01-2021 was given to Sarpanch of Gram Panchayat Ribhowal for rehabilitation of his wife and daughter on 24-01-2021 on Sunday. Applicant has made attempts for rehabilitation before Sarpanch of the village. The applicant has also filed petition U/s 9 of the Hindu Marriage Act before the Principal Judge, Family Court, Jalandhar.

11. The allegations of her beating and treating with cruelty are not supported by any documentary proof on record. It comes out that most of the dowry articles have been returned by the applicant. There are allegations and counter-allegations. The applicant has already joined the investigation. Keeping in view of these facts, it is a fit case where the benefit of anticipatory bail should be granted to the applicant-accused. Thus, bail application filed by the applicant-accused Sham Lal under Section 438 Cr.P.C has been allowed subject to compliance under Section 438 (2) Cr.P.C and accordingly interim order dated 19.7.2021 is hereby confirmed subject to conditions that the applicant-accused will continue to join and co-operate with the investigation as and when required; will appear in the court on each and every date of hearing; that he will not leave India without prior permission of the court and that he shall not tamper with evidence of prosecution. Police record returned and file be consigned to the record room, after its completion.

Announced in open Court:
Dated: 28th July, 2021.
'Rashpal , JW'

(Jatinder Pal Singh Khurmi),
Addl. Sessions Judge, Hoshiarpur.
(UID No.PBO-0057).

Sham Lal Versus State. CIS Number: BA-1722 of 2021.
(CNR No.PBHO01-004654-2021).

Present: Shri M.K. Ralh, Counsel for applicant-accused.
Shri Puneet Jaggi, Public Prosecutor for the State.
Assisted by Shri S.S. Bhardwaj, Counsel for complainant.

Police record received. Arguments heard. Vide my separate detailed order of even date, this bail application filed by applicant-accused Sham Lal under Section 438 Cr.P.C, for grant of anticipatory bail has been allowed, as detailed therein. Police record returned and papers be consigned to the record room, after its completion.

Announced in open Court:

Dated: 28th July, 2021.

‘Rashpal , JW’

(Jatinder Pal Singh Khurmi),
Addl. Sessions Judge, Hoshiarpur.
(UID No.PBO-0057).