

BA No. 175/2024
CNR No.PBHO010005132024
Date of order: 12.2.2024

Satpal Kaur aged 57 years, w/o late Gurmit Singh, r/o village Tanda Ram Sahai, P.S. Mukerian, District Hoshiarpur.

Versus

State of Punjab.

FIR No.89, dated 16.5.23,
U/s 498-A, 406 IPC,
PS Mukerian, District Hoshiarpur.

Present: Sh.Sandeep kumar Sharma, cl for the applicant.
Addl. PP for the State.
Sh Bablu Dadwal, Cl.for the complainant

Record produced. Perusal of the file shows that in this FIR complainant alleged maltreatment, harassment and torture at the hands of the accused for demand of dowry. Story of prosecution is that complainant Sapna Devi was serving in Joseph's convent School, Mukerian as computer teacher. In connection with admission of children she came into contact with one Manpreet Kaur. They also exchanged their mobile numbers. Manpreet Kaur also got introduced about some relation which was refused by the complainant. However, Manpreet Kaur introduced about her brother Gurpreet Singh who is serving in Italy. So the complainant came into contact with Gurpreet Singh over facebook app, who also came to the house of complainant along-with his mother. On 8th August, 2020 Ring ceremony was conducted. On the next day, i.e.

9.8.2020 the boy and her mother humiliated her on account of not bringing the golden ornaments. However, 14.9.2020 was fixed as marriage and so the palace was booked. However same was got cancelled on one pretext or the other 3/ 4 times. Thereafter, Gurpreet Singh started threatening her on phone. On 4th December 2022 Gurpreet Singh came back to India and went to the house of elder sister of complainant along-with her mother Satpal Kaur and asked for the marriage which was refused on the pretext that the marriage is being postponed unnecessarily for the last three years. On 15.1.2023 Gurpreet Singh and Satpal Kaur again came to the house of complainant and asked for forgiveness. On their insistence the marriage date was fixed as 28.1.2023 as the Gurpreet Singh had to return back. However, before one day of the marriage a demand for golden ornaments was kept by the in-laws of complainant as detailed in the FIR, which was fulfilled. Even after the marriage she was not kept nicely. For changing wedding Lehanga she was given simple outfit. On the seventh day of the marriage, i.e. on 28.01.2023 on coming back from the school complainant was given filthy abuses. She left the matrimonial house after taking her blazer.

This bail application is on behalf of mother in law, Satpal kaur and without expressing my opinion on the merits of the case, I am of the opinion that in this part of the world it is a growing tendency developing in the society to involve all the relatives of the husband when relation between husband and wife become strained. Girl family usually come out with inflated and exaggerated allegations, roping in, even the remote relation of the husband.

Ld.counsel for the complainant argued that the marriage was solemnized on 18.1.23 and complainant left the matrimonial house on 28.1.2023 ,i.e. just after 10 days. The husband is residing in Italy and in these 10 days accused-applicant who is mother in law of the complainant is the main culprit.

Ld. Addl. PP argued that accused not co-operative and not joining the investigation, whereas Ld. Counsel for the accused states that the accused ready to join the investigation so accused entitled for interim bail and accused relied upon the order of Hon'ble Supreme Court vide which, while making the provisional bail absolute, on 2.7.2014 in criminal appeal no. 1277 of 2014 (Arnesh Kumar Vs. State of Pb.) Hon'ble Supreme Court observed that “there is phenomenal increase in matrimonial disputes in recent years. The institution of marriage is greatly revered in this country. Section 498-A of the IPC was introduced with avowed object to combat the menace of harassment to a woman at the hands of her husband and his relatives. The fact that Section 498-A is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision.” Hon'ble Supreme Court further held that,

“The rate of charge-sheeting in cases under Section 498-A, IPC is as high as 93.6%, while the conviction rate is only 15%, which is lowest across all heads.” Accordingly, the accused directed to join the investigation by contacting the Investigation Officer within **ten days** and

then to co-operate fully during investigation disclosing all the facts within knowledge and to inform regarding having joined the investigation on the next date of hearing. If in the meanwhile accused *Satpal Kaur aged 57 years, w/o late Gurmit Singh, r/o village Tanda Ram Sahai, P.S. Mukerian, District Hoshiarpur*, arrested, accused be released on interim bail to the satisfaction of the arresting officer/ investigating officer. The accused shall continue appearing in this Court unless appearance is specifically exempted. IO is to appear in the court on the next date fixed as 26.2.2024.

Pronounced. Dated: 12.2.2024	Sandeep Singh Jossan PB0150 Additional Sessions Judge, Hoshiarpur.
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*Typed by : Mukesh Chander
Stenographer Grade-I.*