

**IN THE COURT OF MS. DEEPIKA SINGH, ADDITIONAL
SESSIONS JUDGE, SAS NAGAR**

Bail application CIS No.178-2022

CNR No.PBSA01000896-2022

Date of Decision: 28.01.2022

Harjit Kaur, aged about 52 years wife of Anil Kumar, R/o House No.3728,
Near Satsang Sahi Gurudwara, Swamiyan Mohalla, Ambala, Tehsil Dera
Bassi, District SAS Nagar, Mohali.

...Applicant/accused

Versus

State of Punjab.

....Respondent

FIR No.243, dated 08.08.2021

U/s 406,498-A IPC

P.S. Dera Bassi, District SAS Nagar, Mohali.

Bail application under Section 438 Cr.P.C.

Present:-

Sh. Paramvir S. Rana, Adv. Counsel for
applicant-accused.

Ms. Navjyoti Gupta, learned Addl. P.P. for the State.
IO ASI Major Singh.

ORDER

This bail application has been preferred by
accused/applicant Harjit Kaur for grant of anticipatory bail in the above
noted case by invoking the provisions of Section 438 Cr.P.C.

2. Upon notice, learned Addl. PP appeared on behalf of
State. IO A.S.I. Major Singh alongwith police record appeared.
Complainant has not come present.

3. I have heard the learned counsel for the bail applicant,
learned Addl. PP for the State and gone through the record.

4. Learned Counsel for the bail applicant has argued that the accused/applicant has not committed any offence but the police of PS Dera Bassi is trying to arrest the accused/applicant in this case on totally false and frivolous grounds. The perusal of the FIR got lodged by the complainant does not inspire any confidence. After registration of the FIR, the matter between the parties has been compromised and on the basis of compromise, the complainant and son of the applicant have filed petition under Section 13-B of Hindu Marriage Act in which the Ist statement of the parties have been recorded and the matter has been settled for a total sum of Rs. 11,50,000/- out of which an amount of Rs. 5,75,000/- has been paid to the complainant vide draft no.714884, dated 29.09.2021 and the petition was fixed for 21.04.2022 for recording second statement of the parties.

 The main accused Lucky was earlier arrested in the present FIR and he had been released on bail by the Court of JMIC, Dera Bassi and all the istridhan articles have been returned to the complainant. The applicant or her family members have never demanded dowry articles from the complainant and articles given as gift were returned to the complainant which are already in custody of the complainant and the complainant has admitted that in her statement of Ist motion dated 07.10.2021 before the Family Court. In the present matter a quashing petition was filed before the Hon'ble High Court as per the statement of Ist motion and the Hon'ble High Court had directed both the parties to get their statements recorded before the Trial Court for quashing, but the

complainant gave a statement that she is ready to record her statement only after receiving the balance amount of Rs. 5,75,000/- on second statement in the family Court for quashing the said FIR. As such, the said quashing petition was dismissed with the liberty to file a fresh one. The applicant has not committed any offence. She is ready to join the investigation and help the prosecution in every possible way. The applicant undertakes to abide by all the terms and conditions which will be imposed by the Court. The applicant will not leave the country without permission of the Court. The applicant is ready to furnish the bail bonds and surety bonds to the satisfaction of the Court and prayed for the grant of anticipatory bail in favour of the accused/applicant.

5. Learned Addl. P.P for the State has argued that there are serious allegations against the bail applicant. She has further argued that the accused/applicant is required for custodial interrogation and as such she may not be released on anticipatory bail.

6. Keeping in view the facts and circumstances and arguments of the learned Counsel for the applicant, this Court is of the considered view that **at this stage**, custodial interrogation of the accused/applicant is not required, it would be appropriate that the applicant be directed to join the investigation and to cooperate with the investigating agency for recovery of dowry articles, if any. Accordingly, the accused/applicant is directed to join the investigation on **31.01.2022** by surrendering before the Investigating Officer who shall let the accused/applicant join the investigation and to investigate the matter and in

the event of arrest of applicant-accused, she shall be released on interim bail upon her furnishing bail bonds in the sum of ₹50,000/- with one surety in the like amount, to the satisfaction of Investigating Officer subject to the following conditions:-

- i. that she shall continue to cooperate with the Investigating Officer of this case;
- ii. that she shall not leave the country without prior permission of the court;
- iii. that she shall not make any threat, promise or inducement to any person conversant with the facts of the case to dissuade him/her from disclosing the truth to the court or police;
- iv) that she shall not misuse the concession of bail, failing which, this order shall stand automatically vacated.

Now to come up on **01.02.2022** for awaiting the compliance report and outcome of the investigation.

Pronounced.
Dated: 28.01.2022
Vikas Kohli
Stenographer Gr.II

(Deepika Singh)
Additional Sessions Judge
SAS Nagar (Mohali)
UID No.PB0222