

**IN THE COURT OF SH.AVTAR SINGH, ADDITIONAL
SESSIONS JUDGE, S.A.S. NAGAR, (MOHALI).
(UID NO.PB00086)(Duty)**

B.A. CIS No.1699-2024
CNR No. PBSA01-004393-2024.
Decided on.07.06.2024

Kamaljeet Singh aged about 24 years son of Jaspal Singh resident of House no.142, Adarsh Colony, Ward No.3, Balongi, Mohali, District SAS Nagar.

.....Accused/applicant.

Versus.

State of Punjab

....Respondent.

FIR no. 180 dated 25.05.2024
Under Sections: 306, 120-B of IPC
P.S. City Kharar.

Bail application under Section 438 Cr.P.C.

Present: Mr. Vishal Deep Goyal Advocate for the bail applicant
Mr. S.S. Sahota, Public Prosecutor for the State

ORDER:-

1. The present bail application is put up before me being Duty Judge as the learned Presiding Officer is availing summer vacations. This order of mine shall dispose of bail application filed by the bail applicant seeking anticipatory bail in terms of Section 438 Cr.P.C. arising out of above said FIR.

2. Notice of bail application was issued to the State and learned Public Prosecutor for the State has put in appearance. Report of concerned Ahlmad also called as per which nothing is pending/deciding against the bail applicant before the Hon'ble High Court.

3. I have heard the learned counsel for the bail applicant, learned Public Prosecutor for the State and also perused the record.

4. The brief facts of the prosecution story in nutshell are that the present FIR has registered on the statement of complainant Kiran Devi on the allegation that her daughter namely Mishti who was married to Keshav Jain and after the marriage all the accused started physically and mentally harassing the deceased Mishti for bringing insufficient dowry articles. The accused used to taunt the deceased Mishti that her parents have not spent money in the marriage and they also not given the dowry to them. They also taunted to deceased Mishti that she belongs to destitute parents. She was also stopped from using the phone. On 25.05.2024 the complainant was received the telephonic call from the deceased Mishti that she is being harassed by her in law. When the complainant visited the matrimonial home of her daughter Mishti, her-in-laws had not opened the door and after making the various requests the door was opened. The deceased Mishti told the complainant that her husband and her-in-laws were harassing her for brining the insufficient dowry articles. They also demanding the Rs.5 lacs from the deceased. They were also demanding the gold chain for her husband and they also threatening the deceased Mishti to kill her if the demands are not fulfilled and accused persons asked the deceased Mishti to sleep with Kamal. The accused told the complainant that it was the election time and they have to attend the meeting and therefore, the complainant in order to settle the dispute returned back to her home. Thereafter at about 7 PM the complainant

received the call that deceased Mishti ended her precious life as accused persons harassing her. Accordingly, the offence under Sections 306 and 120-B of IPC.

5. The learned counsel for the bail applicant argued that the bail applicant has implicated in the false case. The bail applicant does not abet the deceased Mishti to commit the suicide. He was not demanded any money or dowry articles. No ingredient of Section 306 of IPC are fulfilled. The bail application should be allowed.

6. The learned Public Prosecutor for the State argued that there are specific allegations against all the accused that they were physically and mentally harassing the complainant. They were also taunting the deceased that she is daughter of destitute parents. They were also demanding Rs.5 lacs and demanded the gold chain for her husband. They were also asking the deceased to sleep with Kamal Jain which also aggravated the grievances of the deceased. In the last, the deceased Mishti committed the suicide as the accused were harassing her. The learned Public Prosecutor further argued that the medical report is yet to be obtained and the offence may be added under Section 304-B of the IPC along-with Section 302 of the IPC as the death is took place within 7 years of the marriage of Mishti and Keshav Jain. The learned Public Prosecutor for the State argued that there is presumption as provided under Section 113 B of the Indian Evidence Act where it was hold that ‘when the question is whether a person has committed the dowry death of the woman and it is shown that soon before her death such woman had

been subjected by such person of cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death.

Explanation.-for the purpose of this section, “dowry death’, shall have the same meaning as in section 304-B of the Indian Penal Code (45 of 1860).]’

It is further argued that the investigation is at its initial stage and in case the bail is granted, the bail applicant can influence the investigating agency as well as prosecution witness. The bail applicant can also flee from India. Prayer is made to dismiss the present bail application.

7. From the submission of the learned counsel for the bail applicants, learned Public Prosecutor for State, it is clear that all the accused were physically and mentally harassed the deceased Mishti. They were taunting the Mishti that she had not brought the sufficient dowry. They asked the Mishti to sleep of Kamal Jain and they were also demanded Rs.5 lac alongwith gold chain. The submission of counsel for the bail applicant that the bail applicant not abetted the Mishti to commit the suicide has no ground as there are specific allegation against the bail applicant and therefore, Mishti committed the suicide. The offence is serious in nature and in case the bail is granted to the bail applicant, he can influence the investigating agency as well as prosecution witnesses and he can also flee from India.

8. Thus, keeping in view the facts and circumstances mentioned

above as well as in view of the seriousness of allegations against the bail applicant and gravity of the offence, no exceptional circumstance for grant the bail to the bail applicant is made out and accordingly, the bail application is hereby dismissed. Bail application be returned to the concerned Court and the concerned Ahlmad is directed to consign the file to the record room.

Pronounced:
Date of Order:07.06.2024

Kuldeep Singh
Stenographer

Avtar Singh,
Additional Sessions Judge
UID No.PB-00086/SAS Nagar