

**IN THE COURT OF RAJWINDER KAUR
ADDITIONAL SESSIONS JUDGE,
FAST TRACK COURT,
EXCLUSIVELY TO DEAL WITH RAPE CASES,
FEROZEPUR (UID No.PB-0121)**

CIS No. BA/1429 of 2023
CNR No. PBFZ0100-3998-2023
Date of order : 12.06.2023

1. Kuldeep Kaur, aged 68 years wife of Balvir Singh

2. Balvir Singh, aged 72 years son of Puran Singh, both residents of Ward No.11, Basti Bheru, Mallan Wala, District Ferozepur.

.....Applicants/accused.

Versus

State of Punjab.

..... Respondent

FIR No.17 dated 28.05.2023.

***Under Sections 498-A, 406, 506 IPC,
Police Station Women Cell, Ferozepur.***

Bail application under Section 438 (i) of Cr.P.C.

Present: ***Ms. Suman Lata***, Adv. for applicants/accused.

Sh. Rajeev Chaudhary, Additional PP for the State.

ORDER.

Kuldeep Kaur (mother in law) and Balvir Singh (father in law) (accused/applicants) have filed instant application for bail under section 438 Cr.PC in the above noted case, on the grounds of false implication.

2. Vide Order dated **07.06.2023**, applicants/accused were

granted interim anticipatory bail to join the investigation within four days.

3. I have heard rival submissions put forth by learned counsel for the parties, and have gone through record with their able assistance.

4. Learned counsel for applicants-accused has, while reiterating submissions made earlier, submitted that in compliance with Order dated **07.06.2023**, applicants/accused have joined the investigation, and they may be granted anticipatory bail as their custodial interrogation is not required in this case.

5. On the other hand, learned Addl.PP for the State has vehemently opposed the bail application and submitted that, recovery of two gold rings, one pair of ear ring, one LCD is yet to be effected. Therefore, opposed prayer.

6. On the other hand, learned counsel for the applicants/accused submitted that, no dowry article in the shape of gold rings or ear rings was ever entrusted to applicants/accused. It was a simple marriage, no dowry article ever exchanged between the parties. In order to put pressure, by concocting a false story regarding entrustment of the articles, instant case has been got registered. Therefore, prayer made for confirmation of the order.

7. From above discussion, **Kuldeep Kaur** (*mother in law*) and **Balvir Singh** (*father in law*) (*accused/applicants*) have joined the investigation in pursuance of order dated **07.06.2023**. So far as, alleged pending recovery of case property i.e. two gold rings and one pair of ear ring, is concerned, it could not be considered a hurdle to confirm the interim anticipatory bail to the applicants/accused. Relied upon ***Bhupinder Singh etc. Versus State of Punjab, 2014(2) RCR (Criminal) 109***, wherein it is held that

“....Accused granted anticipatory bail in an offence under Sections 498-A and 406 IPC, Anticipatory bail could not be rejected on the ground that dowry articles were not recovered from the accused.”

So, keeping in view above facts and circumstances, since **Kuldeep Kaur** (*mother in law*) and **Balvir Singh** (*father in law*) (*accused/applicants*) have joined investigation, in pursuance of ***interim Orders***, so the interim bail order ***dated 07.06.2023*** stands ***confirmed and made absolute***, subject to the following conditions :-

1. That the applicants-accused will not tamper with the prosecution evidence in any manner.
2. That the applicants-accused will not leave the limits of India without prior permission of the court.
3. That the applicants-accused will attend the court on each and every date.

However, these observation of mine shall have no effect on the merits of the case. File be consigned to record room.

Dated: 12.06.2023

**Manoj Kumar
Stenographer-II**

**(Rajwinder Kaur)
Addl. Sessions Judge,
(Fast Track Court),
(exclusively dealing with rape cases)
Ferozepur, UID No.PB-0121**