

PBGD010034082024



Presented on : 20-04-2024

Registered on : 20-04-2024

Decided on : 07.05.2024

IN THE COURT OF MS. BALJINDER SIDHU, ADDITIONAL
SESSIONS JUDGE, FAST TRACK SPECIAL COURT,
GURDASPUR

UNIQUE IDENTIFICATION CODE NO. PB0100

Bail Application no. 213 of 20.04.2024

Date of Decision: 07.05.2024

CIS no. BA-1425-2024

FIR no. 0027 dated 13.04.2024

Under Section: 498-A IPC

P.S. Sekhwan, Batala District Gurdaspur

Kulbir Kaur wife of Gurdeep Singh resident of 409/4, 19-A, Mohalla
Tibba Sahib, Hoshiarpur.

.....Accused/applicant

Versus

State of Punjab

1st Bail application under Section 438 CrPC.

Present: Sh. Maninderpal Singh Adv., counsel for accused-applicant.
Sh. Hardeep Kumar Additional P.P. for State assisted by Sh.
K.M. Khokhar Advocate.

ORDER

1. The present bail application has been moved under Section
438 Cr.PC on behalf of applicant Kulbir Kaur, who is mother in law of
the complainant.

2. Notice of bail application was given to State, consequent
upon which learned APP for the State assisted by counsel for complainant
had put in appearance and contested the bail application.

3. In brief, the facts of the present case are that the complainant
got married with the son of the accused-applicant on 11.12.2021. The
parents of the complainant solemnized her marriage lavishly and spent
about Rs. 7 Lacs on her marriage and gave her sufficient dowry articles

including gold ornaments etc. No child was born out of this wedlock. It was further stated by the complainant that after some time of the marriage, the family of her in laws started harassing her and torturing her so as to extract more dowry from her parents and specifically raised demand of her share from the land of her father as she had no brother. The complainant refused to bring land falling in her share from her father's land, consequently her in laws family gave her severe beating. The husband of the complainant also gave her severe beatings at the instigation of his father, mother, sister and husband's of his sister and raised demand of Rs. 5 Lacs and ultimately, all the accused on 28.01.2023 gave her severe beatings and ousted her from her matrimonial home.

4. I have heard the counsel for accused-applicant, Additional PP for the State assisted by counsel for complainant and have also perused the record minutely.

5. The counsel for accused-applicant has argued that accused-applicant was innocent and falsely implicated in the present case being mother in law of the complainant. It was further argued that there was no demand of dowry or harassment as alleged. The counsel further raised arguments that complainant had got registered this FIR after filing divorce petition by the son of the accused-applicant against the complainant as and such this FIR was clearly counter blast to the aforesaid divorce petition. It was further argued that police is raiding the house of the accused/applicant and she is ready to join the investigation as and when required and will abide by all the terms and conditions as imposed upon her and prayed for grant of bail.

6. Learned Additional PP for the State assisted by counsel for the complainant vehemently argued that the allegations against present accused-applicant are serious and grave in nature. It was further argued that accused-applicant tortured and harassed the complainant on the demand of more dowry and she also raised demand of share from the property of father of the complainant. It was further argued that the accused-applicant had played active role in harassing, torturing and pressuring the complainant and prayed for dismissal the bail application.

7. After hearing rival contentions of both the parties and perusing the record, it has come to the forefront that present accused-applicant being mother in law of the complainant treated her with utmost cruelty on the demand of dowry and raised demand of share from the property of her father; there are also allegations against the present accused-applicant that she alongwith others (non-applicants) gave beatings to the complainant. These allegations are very serious and grave in nature. The matter is still pending investigation and challan is yet to be presented. Therefore, there is every likelihood that if accused/applicant is granted bail, she may attempt to hamper the process of the investigation in one way or the other. Keeping in view of the facts that there are specific and serious allegations against the present applicant and as such the bail application of accused-applicant is dismissed. File be consigned to record room.

Date of Order: 07.05.2024
Dilbag Singh Steno-II

(Baljinder Sidhu)
Additional Sessions Judge
Fast Track Special Court
Gurdaspur/UID no. PB0100