

PBRO010048582024



Presented on : 05-11-2024
Registered on : 05-11-2024
Decided on : 08-11-2024
Duration : 0 years, 0 months, 3 days

**IN THE COURT OF MOHIT BANSAL
ADDITIONAL SESSIONS JUDGE, RUPNAGAR**

Bali

Vs.

State of Punjab.

FIR No.140 dated 24.10.2024

U/s: 85 of BNS, 2023

Police Station: Nangal

Present: Sh. Manish Dharmani Advocate, Ld. Counsel for the
applicant-accused Bali.
Sh. Rajinder Kumar, Ld. Addl. PP for the State along with
ASI Sushil Kumar No.574/R, PS Nangal.

ORDER

1. Notice of the application for anticipatory bail under Section 482 of BNSS, filed on behalf of the applicant-accused Bali, was given to the State for today. Upon notice, Sh. Rajinder Kumar, Ld. APP appeared on behalf of the State. Reply to the bail application, has not been filed. Police record has been produced by ASI Sushil Kumar No.874/R, Police Station Nangal.

2. The instant bail application has been filed by the applicant-accused on the ground that applicant is innocent and has committed no offence. Son of applicant namely Rajat Kumar has already filed petition under

Section 13 of HM Act against his wife i.e. complainant in the present FIR. Nothing is to be recovered from the applicant. The applicant is ready to join the investigation. With these averments, a prayer for allowing the instant bail application, has been made.

3. The Learned Counsel for the applicant-accused has submitted that the applicant is father-in-law of the complainant Jyoti. The Learned Counsel has submitted that there is no specific date, month and year of alleged cruelty in the application moved by the complainant. The Learned Counsel has submitted that nothing has been mentioned as to what type of cruelty has been meted out by the applicant to the complainant.

4. The Learned Counsel has submitted that husband of the complainant has filed divorce petition on 09.08.2024. The Learned Counsel has submitted that the general allegations do not constitute cruelty. Upon this, a prayer for allowing the instant bail application, has been made.

5. On the other hand, the Learned APP has submitted that it has been specifically stated in the application that in-laws have maltreated the complainant Jyoti. The in-laws of the complainant had purchased the car and they were demanding money from the complainant Jyoti and her parents qua purchase the car. The Learned APP has submitted that it has been mentioned in the application that applicant was present when Rajat Kumar husband of complainant, used to beat her and he (applicant) did nothing which constitute cruelty. Upon this, a prayer for dismissal of the instant bail application, has been made.

6. I have heard the rival submissions and perused the record carefully.
7. The present FIR was lodged on the application moved by Jyoti complainant herein. There is allegation that her husband, mother-in-law Beena, father-in-law Bali and nanad Mamta used to maltreat the complainant on the pretext of bringing less dowry. The father-in-law and nanad instigate her husband to give beatings to the complainant. Her in-laws used to force her to bring car from her parents. Her nanad call bad names to her. Her husband does not care and gives beatings to her. A request to take legal action was made.
8. The complaint was marked for inquiry and after inquiry conducted by ASI Sushil Kumar, the present FIR was registered against accused Rajat Kumar (husband), Bali (father-in-law) and Beena (mother-in-law).
9. A perusal of the record shows that the applicant Bali is father-in-law of the complainant Jyoti. There are strained relations between the complainant and her in-laws. The allegations in the FIR are primarily against Rajat Kumar husband of the complainant and son of the applicant herein. There is no MLR produced regarding alleged beating given to the complainant. There is no specific allegations against the applicant Bali regarding his having meted out any cruelty to the complainant.
10. Section 85 of BNS is regarding subjecting woman to cruelty by husband or relative of husband of a woman. As per Section 86 of BNS, cruelty has been defined as conduct which likely to drive to commit suicide or to cause grave injury or danger to life or harassment with a view to coercing her to meet any unlawful demand.

11. In the present case, there is no such allegation that the conduct of the applicant Bali is such that would drive the complainant Jyoti to commit suicide.

12. Keeping in view the foregoing discussion, in the considered opinion of this Court, the instant anticipatory bail application, filed by the applicant Bali deserves to be allowed and is accordingly allowed.

13. Thus, the applicant-accused Bali is directed to join the investigation within 10 days from today and in the event of his arrest, he be released on bail to the satisfaction of the investigating/arresting officer subject to the conditions/provisions laid down under Section 482 of BNSS. A copy of this order be forwarded to the SHO concerned for information and necessary action.

14. Nothing observed herein shall have effect on the merits of the main case.

15. Police Record be returned. Papers be consigned to the Judicial Record Room.

Pronounced in the open Court
Dated: 08.11.2024

(Mohit Bansal)
UID NO.PB0208
Addl. Sessions Judge
Rupnagar.