

PBGD010044842021



Presented on : 09-07-2021

Registered on : 09-07-2021

Decided on : 13.07.2021

**IN THE COURT OF SH. AJIT PAL SINGH, ADDITIONAL
SESSIONS JUDGE, GURDASPUR.**

UNIQUE IDENTIFICATION CODE NO. PB0226

Bail Application no. 304 of 09.07.2021

Date of Decision: 13.07.2021

CIS no. BA-2183-2021

FIR no. 09 dated 02.07.2021

Under Section: 420/406/498-A/120-B IPC

P.S. N.R.I. Gurdaspur

1. Gurdeep Singh son of Karnail Singh,
2. Sukhwinder Kaur wife of Gurdeep Singh,
Both residents of House no. 22, Smart Enclave, Nangali, Fatehgarh
Churrian Road, District Amritsar.

.....Accused/applicants

Versus

State of Punjab

Bail application under Section 438 CrPC.

Present: Sh. Tejpal Singh Gill, Adv., counsel for accused-applicants.
Sh. Hardeep Kumar Additional P.P. for State assisted by Sh.
Sumeet Narang, Advocate, counsel for complainant.

ORDER

1. This is an application for seeking bail under Section 438 Criminal Procedure Code moved on behalf of above said accused/applicants Gurdeep Singh and Sukhwinder Kaur in the aforementioned FIR.

2. Notice of bail application was given to State, consequent

upon which learned APP for the State assisted by Sh. Sumeet Narang, Advocate, counsel for complainant had put in appearance. Police record has also been received.

3. In brief, prosecution story is that present case was registered on the basis of an application moved to Additional Director General of Police, N.R.I. Wing, S.A.S Nagar by Jaspinder Kaur daughter of Bhupinder Singh against her in laws, wherein she stated that on 10.12.2017 her in laws had published in Ajit newspapers regarding marriage of Navdeep Singh, who was permanent resident of Australia. Her in laws after enquiry told that they are ready to solemnize the marriage as the match with girl is acceptable as they wanted. She alongwith her parents had accepted the proposal after seeing the photo of boy and the date of marriage was fixed for 30.12.2018. At the time of her marriage, her parents had spent sufficient amount as per their status and had given dowry including gold ornaments, valuable clothes etc. and almost spent amount Rs. 15 Lacs. After the marriage, her husband went to Australia and after some time, her in laws had put pressure upon her to bring money from her parents for purchasing plot. When she talked to her husband regarding this, he told her that she has also share in the property of her parents. Her in laws had never given any maintenance and they had tortured her. Her in laws also demanded Rs. 20 Lacs on account to sending her at Australia to her husband. On 01.08.2020 her in law had ousted her from matrimonial home by playing fraud and thereafter they had blocked her phones. Her parents alongwith respectables had gone to rehabilitate her, but her

in laws had refused to keep her. She had passed B.Com and M.Com post graduation and had passed ILETS with 7 bands. They had tortured her mentally. Thereafter, on her application bearing no. 1928162, compromise was effected and they agreed that boy would accept her as wife and would talk properly, but he had used filthy language and tortured her. On the basis of said application, present case was registered.

4. I have heard the learned counsel for accused-applicant, learned APP for the State assisted by Sh. Sumeet Narang, Advocate, counsel for complainant and have also perused the record very minutely with their able assistance.

5. Learned counsel for accused-applicants has argued that accused-applicants are innocent and have been falsely implicated in the present case. The marriage between the complainant and their son was solemnized in simple manner and no dowry articles were ever entrusted to them and all the allegations are false and concocted one. It has been further submitted that the accused-applicants had already given public notice that their son Navdeepsingh and daughter in law are out of their control, so they are not responsible for any act and conduct done by them. It has been further submitted that son of accused-applicants are residing in Australia and after marriage, he tried to apply visa of complainant, but the Government of Australia refused the visa and as such the present accused-applicants have no concern with the complainant and her husband. It has been further submitted that accused-applicants will abide by all the terms and conditions as imposed upon them and shall not leave India without prior permission of the court and

finally prayer for grant of anticipatory bail has been made.

6. Per contra, while controverting the contentions put forth by learned counsel for accused-applicant, learned Additional PP for the State assisted by Sh. Sumeet Narang, Advocate, counsel for complainant vehemently argued that the allegations against present accused-applicants are grave in nature. It has been further argued that the recovery of dowry articles is yet to be effected from the present applicants and as such, their custodial interrogation is required. It has been further argued that accused-applicants alongwith other accused had hatched a criminal conspiracy to cheat the complainant. It has been further argued that if anticipatory bail is granted to them, they might misuse the same and might try to hamper the process of investigation and as such, they do not deserve the leniency of the court in grant of relief of anticipatory bail and finally prayer for its dismissal has been made.

7. After hearing rival contentions of both the parties and perusing the record, it reveals that the present accused-applicants are parents in law of the complainant and the allegations against them are that they in connivance with other accused (non-applicants) had cheated and committed fraud with the complainant. There are further allegations against present accused-applicants that they in connivance with other accused (non-applicants) had maltreated and harassed the complainant on the demand of dowry and had allegedly misappropriated her istri dhan and had raised a demand of Rs. 20 Lacs. These allegations are serious and grave in nature. At this stage, it is too early to jump to any conclusion for the purpose of bail. The matter is still pending investigation and challan is yet to be presented. Therefore, there is

every likelihood that if accused/applicants are granted bail, they may attempt to hamper the process of the investigation in one way or the other. Moreover, it would not give a right signal to the society. So without further delving into the merits of the case and in view of the fact that there are serious allegations against the present applicants, the court is of the opinion that at this stage, no exceptional circumstances are made out to attract the provision u/s 438 Cr.P.C for granting pre-arrest bail to the present applicants. Consequently, the bail application is dismissed.

8. Although this petition is being dismissed but it is made clear that nothing as expressed in the said order shall have any bearing on the merits of the main case. Police file be returned. This file be consigned to the record room.

Pronounced in the open Court
Dated: 13.07.2021
Dilbag Singh, Steno-II

(Ajit Pal Singh)
Addl. Sessions Judge,
Gurdaspur. UID no. PB0226