

**IN THE COURT OF ATUL KASANA, ADDITIONAL SESSIONS
JUDGE, LUDHIANA.**

(UID NO.PB0085)

CNR No.PBLD01-004301-2018

B.A No.73 of 26.02.2018

CIS No.BA/1560/2018

Date of Order: 02.05.2018

State of Punjab

Versus

Gagan Kumar son of Kamal Kishore, resident of Laddowal, Tehsil and
District Ludhiana.

.....Accused/Applicant

FIR No.07 dated 16.01.2018

U/s 406, 498-A IPC

P.S. Women Cell, Ludhiana.

Bail application under Section 438 Cr.PC grant of anticipatory bail

Present:- Sh. Varinder Singh Mand, Adv counsel for applicants/accused
 Sh. Sukhchain Singh PP for State

ORDER

1. This order of mine shall dispose of bail application under
Section 438 Cr.PC filed by the applicant/accused named above in case FIR
No.07 dated 16.01.2018, under Section 406, 498-A IPC, P.S. Women Cell,
Ludhiana.

2. Notice of the bail application was issued to the State and
record of concerned police station was requisitioned.

3. Learned counsel for the applicant submits that the applicant
has been falsely implicated and that no demand of dowry was ever raised
by the applicant nor he had given any beatings to the complainant. The

applicant has filed petition under Section 9 of the Hindu Marriage Act and the same is pending in Civil Court at Ludhiana. He further submitted that the applicant has joined the investigation. On these submissions a prayer for acceptance of the bail application has been made.

4. Sh. Sukhchain Singh, learned PP for State assisted by ASI Tarsem Singh, Investigating officer, submits that the applicant/accused had maltreated and harass the complainant on account of demand of dowry and had committed cruelty upon her. However, it was submitted that the applicant/accused has since joined the investigation.

5. I have considered the submissions of learned counsel for the applicants as well as learned PP for State and have perused the record.

6. In the present case, FIR was got registered at the instance and on the statement of complainant Lata Rani daughter of Lakhmi Chand. It is in accusations that she was married with Gagan Kumar son of Kamal Kishore and there was a dispute between her and her husband due to which she was residing with her parents at their house at Ladowal, District Ludhiana. On 25.05.2017, she came to know that her husband had absconded with girl namely Naisy resident of Kara-Bara chowk, Ludhiana and she tried to inquire about the same from the village but she did not come to know anything. It is further in accusations that she was married on 01.06.2015 with Gagan Kumar and she was having doubt on her husband from long time that he was having affair with another girl and when she used to talk to her husband, he used to abuse and gave beatings to her. It is further in accusations that on many occasions she also told the said fact to

her mother-in-law and father-in-law but they used to support her husband and used to scold her and beat her. It is further in accusations that her husband always used to force her to bring money for the purchase of three-wheeler and on many occasions she had brought the money from her mother and handed over the same to him but he did not mend his ways and again after few days, he again started maltreated and harassing her on account of demand of more money. It is further in accusations that grandmother of her husband also used to beat her with stick on many occasions. It is further in accusations that she was pregnant and when her mother in law come to know about it, she forced her to abort the child but she refused to do so and one day her mother-in-law and father-in-law forcibly gave her some medicine due to which she became unwell and she suffered miscarriage. Thereafter, she was beaten by her in-laws family members at night time. She disclosed the entire incident to her mother on telephone and thereafter they took her to their house at Ladowal and till then she is residing with her parents.

7. The allegations against the applicants/accused are of beating and treated the complainant with cruelty on account of demand of dowry. As per the Investigating officer, the applicant/accused has since joined the investigation. It was submitted by learned counsel for the complainant that dinner set and one gold ring given to the applicant was yet to be recovered. It is however, admitted that no bill has been placed on record regarding the above mentioned articles. The submissions of the applicant is that no such dinner set and gold ring were given to him. As per the Investigating officer,

ASI Tarsem Singh, whose statement in this regard was recorded separately that custodial interrogation of the applicant/accused is not required by him and that no recovery is to be effected from him. It is yet debatable, if infact the applicant/accused had committed any such offence or as to whether any such dinner set and gold ring were in possession of the applicant. The criminal liability of the accused, if any, shall be determined during the course of trial. Keeping in view the entire facts and circumstances of the present case this court is of the opinion, custodial interrogation of the applicant/accused is not called for. Thus, without commenting upon the merits of the case and keeping in view the entire facts, interim bail granted to accused/applicant vide order dated 26.02.2018 is hereby confirmed and made absolute subject to following conditions:

1. He shall join the investigation as and when asked by the Investigating Officer.
2. He shall not tamper with the prosecution evidence.
3. He shall not leave the country without prior permission of the court.
8. Intimation be sent to SHO of concerned police station. The anticipatory bail application accordingly stands allowed. File be consigned to Record room.

Pronounced in open court
Dated: 02.05.2018

Gurmeet Singh
Stenographer-II

(Atul Kasana)
Addl. Sessions Judge,
Ludhiana.
UIDNo.PB0085

Atul Kasana
Addl. Sessions Judge, Ludhiana.