

State Vs. Pawan Kumar.

BA No. 2325/2023
CNR No.PBHO010069822023
Date of order: 21.9.2023

FIR No.152, dated 8.7.23,
U/s 406, 498-A IPC,
PS Mahilpur.

Present: Sh.Harsh Vardhan Gautam, cl for the applicant.
Addl. PP for the State.
Sh MDS Gill, Cl.for the complainant

Record produced. Perusal of the file shows that in this FIR complainant alleged maltreatment, harassment and torture at the hands of the accused for demand of dowry. Story of prosecution is that Palwinder Kaur complainant was married to Pawan Kumar on 28.3.21 but after the marriage her in-laws started taunting her for not bringing dowry upto their expectations. Even she was not being treated during pregnancy and the pregnancy was aborted. But she kept on tolerating all the cruel behaviour metted out to her at the hands of in-laws. Her husband left her in her parents house on 23.2.23 on the pretext that he will get back her soon, but did not come back. Then respectables intervened matter to patch up the matter but in vain.

This bail application is on behalf of **husband Pawan Kumar** alleging that he is innocent and being implicated in this case. That, on account of implication of applicant the police is raiding the house of applicant to arrest him in this case, so there is reasonable apprehension in

his mind that he is likely to be arrested and falsely implicated by the police at any moment. The co-accused has already been released on interim bail.

Ld.counsel for the complainant argued that the co-accused Kulwinder Kaur who is mother-in-law of the complainant and is on interim bail has not handed over the complete dowry, gold and other certificates of the complainant. However she has received 5th, 8th, 10th & 12th class DMCs, BA, Computer certificate, boutique certificate, his passport and vaccination card.

Ld. Addl. PP argued that accused not co-operative and not joining the investigation, whereas Ld. Counsel for the accused states that the accused ready to join the investigation so accused entitled for interim bail and accused relied upon the order of Hon'ble Supreme Court vide which, while making the provisional bail absolute, on 2.7.2014 in criminal appeal no. 1277 of 2014 (Arnesh Kumar Vs. State of Pb.) Hon'ble Supreme Court observed that "there is phenomenal increase in matrimonial disputes in recent years. The institution of marriage is greatly revered in this country. Section 498-A of the IPC was introduced with avowed object to combat the menace of harassment to a woman at the hands of her husband and his relatives. The fact that Section 498-A is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision." Hon'ble Supreme Court further held that,

“The rate of charge-sheeting in cases under Section 498-A, IPC is as high as 93.6%, while the conviction rate is only 15%, which is lowest across all heads.”

So, after relying upon this order of Hon'ble Supreme Court and without expressing my opinion on the merits of the case, the accused directed to join the investigation by contacting the Investigation Officer within **ten days** and then to co-operate fully during investigation disclosing all the facts within knowledge and to inform regarding having joined the investigation on the next date of hearing. If in the meanwhile accused **Pawan Kumar S/o Mehar Chand, R/o village Heon, Tehsil Nawanshahr**, arrested, accused be released on interim bail to the satisfaction of the arresting officer/ investigating officer. The accused shall continue appearing in this Court unless appearance is specifically exempted. IO is to appear in the court on the next date fixed as 4.10.23.

Pronounced. Dated: 21.9.2023	Sandeep Singh Jossan PB0150 Additional Sessions Judge, Hoshiarpur.
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*Typed by : Mukesh Chander
Stenographer Grade-I.*