

State Vs. Satwinder Kaur.

BA No. 1574/2023
CNR No.PBO010045802023
Date of order: 01.7.2023

FIR No. 46, dated 8.6.23,
U/s 406, 498-A IPC,
PS Hajipur, District Hoshiarpur.

Present: Sh.SK Rayat, cl for the applicant.
Addl. PP for the State.
Sh RS Abhi, Cl.for the complainant

Received by entrustment. It be registered.

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 complainant Swadeep Kaur was married to Harjotpreet Singh while spending Rs.8 lakhs on 19.3.17 and giving dowry articles as per the list attached. She gave birth to a male child in the year 2018, who is at present residing in her custody. After sometimes of the marriage accused party started maltreating and harassing her on account of bringing less and low quality dowry articles. She was being harassed on petty matters.

This bail application is on behalf of **mother in law Satwinder Kaur** without expressing my opinion on the merits of the case, I am of the opinion that in this part of the world it is a growing tendency developing in the society to involve all the relatives of the husband when relation between husband and wife become strained. Girl family usually come out with inflated and exaggerated allegations, roping

in, even the remote relation of the husband.

Ld.counsel for the complainant argued that the dowry was given at the time of marriage and the articles are still with the accused party and the accused is not handing over the dowry articles to the girl.

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.” Accordingly, 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 **Satwinder Kaur** 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 12.7.2023.

Pronounced. Dated: 01.7.2023	Sandeep Singh Jossan PB0150 Additional Sessions Judge, Hoshiarpur.
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*Typed by : Mukesh Chander
Stenographer Grade-I.*