

STATE VS. GAGANDEEP SINGH BANGA

BA-161-2023

FIR No.458 dated 13.11.2022
under Sections 406, 498-A
P.S. Zirakpur.

APPLICATION FOR GRANT OF BAIL

Present: Sh. Sachin Kumar, APP for the State.
Sh. J.S.Toor, Adv. Counsel for applicant/accused.

This order shall dispose of an application for grant of bail moved by the accused Gagandeep Singh Banga, wherein it has been pleaded that applicant is an innocent and he has been falsely implicated in this case just to harass him. It has been further pleaded by the defence counsel that accused is in custody since 06.04.2023 and nothing has to be recovered from him. With these averments a prayer for releasing the accused on bail has been made.

Upon notice, prosecution has filed the reply and contested the bail application citing the apprehension of misuse of concession of bail with the further plead that accused can put the life of complainant and her daughter in danger and he will also temper the evidence. He further submitted that allegations against the accused are serious in nature, so he may not be released from custody.

I have given thoughtful consideration to the respective submissions of both the sides and have also gone through the record.

The present FIR was registered against the accused under Section 406, 498-A IPC on the allegations that accused used to maltreat the complainant and subjected her to cruelty in connection with wrongful demands of dowry. Though the FIR has been registered under Sections 406, 498A IPC, however, perusal of the FIR reveals that very serious allegations have been leveled against the accused by the complainant who is his wife. Further the complainant who appeared in person has placed on record various documents to prove the extent of cruelty, harassments, threats that have been continuously advanced by the accused to the complainant and her daughter. She has also placed on record some

medical record, photographs, whatsapp chat screen shots etc. From the perusal of the said material, it appears that the accused used to commit cruelty of very high nature to the complainant and he often used to threaten the complainant and her daughter. From the said conduct of the accused, this court is of the view that if the accused is released on bail he can put the life of complainant and her daughter in danger and he will also temper the evidence. Therefore, this court is of considered view that if accused is set at liberty he may misuse the concession of bail. Reliance can be placed observations made in case titled as **Jaspal Singh Gill Vs. State of Punjab, AIR 1984 (SC) 1503**, wherein it has been laid down as under:-

The Court while granting bail in non bailable offence should take into consideration, the following factors amongst others:-

1. The nature and gravity of offence,
2. The reasonable probability of presence of the accused to be secured,
3. The possibility of the accused in tampering with the prosecution evidence,
4. Larger interest of the State or the public.

So, applying these considerations and keeping in view of the fact and circumstances of the case, this court is constrained to hold that accused/ applicant is not entitled to the concession of bail in this case as there is apprehension that accused may misuse the same if released on bail. Thus, application moved by the applicant/accused is hereby dismissed without expressing any opinion on the merits of the case. The application stands disposed off accordingly.

Announced in open Court:
18.04.2023

Parveen
Stenographer-II

(Ramesh Kumar) PCS
Judicial Magistrate Ist Class
Dera Bassi/ UIDPB0456

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Arguments on bail application heard. Vide my separate
detailed order of even date bail application moved by applicant/accused
Gagandeep Singh Banga has been dismissed and disposed of accordingly.
Papers be tagged with the remand papers.

Announced in open Court:
18.04.2023

Parveen
Stenographer-II

(Ramesh Kumar) PCS
Judicial Magistrate Ist Class
Dera Bassi/ UIDPB0456