

State Vs. Dalbara Singh and another

C.Gen. No. BA/163/2019
CNR No.PBLD010005062019
Date of order: 18.1.2019

FIR No. 152 of 7.1.2018
u/ss 406,498-A IPC
P.S. Women Cell, Ludhiana.

Present: Sh. J.S.Waraich, Advocate for applicants/accused Dalbara Singh and Jaspal Kaur.
Sh. B.D.Gupta, Additional Public Prosecutor for respondent-State.
Sh. J.S.Sibal, Advocate for complainant.

ORDER

Sh. J.S.Sibal, Advocate filed power of attorney for complainant. On notice Ld. Addl. PP also appeared for respondent-State. Police file presented by him is perused and returned. Heard on this application for anticipatory bail moved by applicants in above referred FIR case.

2. Version of complainant Karamvir Kaur in nutshell is that her marriage with non-applicant Baljinder Singh took place on 7.1.2018. Earlier it was presented that he was a Matriculate but he came out to be 6th standard passed. It is further alleged by complainant that before marriage her maternal uncle had informed applicant/father-in-law Dalbara Singh that no dowry will be given but two days before the marriage this applicant demanded Rs. 5.5 lakhs in cash as he intended to send his daughter Davinder Kaur to Canada. The entire demanded amount could not be given and, therefore, the marriage procession left the Marriage Venue without eating food. On next day another Rs. 3 lakhs were given by maternal uncle of complainant to applicant Dalbara Singh. Other applicant Jaspal Kaur mother-in-law refused to have double bed, Sofa set,

TV, Almirah as she did not have sufficient space in the house. The version of applicant party that their daughter was to go to Canada came out to be false one. Therefore, the maternal uncle of complainant asked them as to why they had obtained money from him on false pretext. It infuriated them. Accused party then started taunting and harassing complainant. They also did not return her dowry articles. Under such compulsion she once consumed insecticide. On advice of Doctor her brother gave her saline water due to which she vomited and all poisonous substance came out. Due to her deteriorated health, she was taken to Civil Hospital on 16.5.2018 where she was given some medicine. Dowry articles are yet to be recovered from applicants. Apprehending their arrest, they have filed this application for their anticipatory bail.

3. It is submitted on behalf of applicants by their Ld. Counsel that there are no allegations of dowry entrustment. Applicants have been falsely implicated on pretext of such dowry which was never given. Even as per FIR the applicant No.2 had refused to take any dowry. It was rather complainant who had started abusing her husband and was unwilling to reside in the house with him. Applicants have been arrayed as accused being just family members. They are ready to join the investigation and, therefore, may be admitted to anticipatory bail.

4. Ld. Addl. PP for the State, assisted by Ld. Counsel for complainant, vehemently opposed the bail application submitting that there are serious allegations of harassment against applicants. Within three months of marriage the complainant was brought to such a condition that she had to consume some poisonous substance. Cash Rs. 5.5 lakhs and another Rs.2 lakhs besides gold was given to accused party which is yet to be recovered. Hence the prayer for dismissal of bail application of applicants.

5. So far there is no medical record on police file to show if complainant ever had consumed any insecticide. Allegations in the FIR also are mixed ones. At one place it is mentioned that mother-in-law applicant No.2 had refused to obtain dowry from complainant party as she did not have sufficient space in the house, and at another place it is

mentioned that due to non-giving of entire demanded amount the marriage procession had returned without eating food. Yet at another place it is mentioned that Rs. 3 lakhs were given to applicant No.1 on next day of marriage as he intended to send his daughter abroad whom he never sent to Canada. In these circumstances, and when primary allegations are those which fall within the purview of section 498-A IPC, I deem it appropriate to let the applicants appear before Investigating Officer and to submit their version which also will further the investigation.

6. Keeping in view these circumstances, the prayer is allowed and the applicants/accused are directed to join the investigation with the Investigating Officer within 7 days from today and to co-operate in it, and, in that eventuality, they will be released on interim bail by the Arresting Officer on furnishing of bail bonds to his satisfaction. Applicants shall comply with conditions of 438 (2) Cr.P.C. A copy of this order be sent to the concerned quarter.

7. Report of Investigating Officer regarding joining of investigation by accused-applicant be submitted on 27.1.2019.

Pronounced in open court.

18.1.2019

(Rajeev K. Beri),
Addl. Sessions Judge,
Ludhiana (UID No. PB-0149)

Rajinder Pal,
Stenographer-I

Next date: 27.1.2019

Purpose.