

PBGD010037382022



Presented on : 25-05-2022

Registered on : 25-05-2022

Decided on : 30.05.2022

**IN THE COURT OF Sh. AJIT PAL SINGH
ADDITIONAL SESSIONS JUDGE, GURDASPUR.**

Unique Identification Code No. (PB0226)

Computer generated No. BA-1607-2022

Bail application no. 235 of 16.12.2021

Date of order: 30.05.2022

Navjot Kanchan son of amarjit Kumar, resident of House no. 1706/812,
Street no. 3, Ward no. 63, Preet Nagar, Shimla Puri, Ludhiana.

--Accused/applicant

Versus

State of Punjab

FIR No. 244 dated 16.12.2021

U/s 498-A IPC

P.S. Dinanagar

1st BAIL APPLICATION U/S 438 CR.P.C

Present: Sh. Sushil Kumar, Adv. counsel for accused/applicant.
Sh. Hardeep Kumar, Addl.P.P for the State.

O R D E R

1. This order of mine shall dispose of bail application moved under Section 438 Cr.P.C on behalf of above said accused/applicant Navjot Kanchan for releasing her on bail in aforementioned FIR.

2. Notice of bail application was given to State, consequent upon which learned APP for the State has put in appearance. Record has been received and perused.

3. In brief, prosecution story is that present case was

registered on the basis of an application moved to SSP, Batala by Shalni daughter of Gurdeep Kumar, wherein she stated that her marriage was performed with Navjot Kanchan son of Amarjit Kumar on 06.05.2021. At the time of the marriage, sufficient dowry articles in the form of gold ornaments, clothes etc. were given to the husband (Navjot Kanchan) and her in laws family. Some time after the marriage, her in laws started torturing her. They also raised the demand of dowry and taunting her that her father has not given the sufficient dowry and nor the marriage has been performed in a good manner. She was sent to her parental house for bringing Rs. Two Lacs. On this, the father of the complainant Gurdeep Kumar deposited Rs. One Lac in her account on 21.05.2021, which was withdrawn by the husband of the complainant and in laws on various dates. Thereafter, a demand of car was raised by the husband and in laws of the complainant and on refusal, the threats of divorce were given to the complainant. Her husband went to Dubai in August 2020 and used to threat her from Dubai on the ground that if she would not bring car and other dowry articles as per demand, then he would commit suicide. A daughter took birth out of the wedlock. The demand of dowry etc. did not end here and the complainant was tortured for the demands of dowry etc. The complainant is residing at Dinanagar (her parental house). During investigation, it came out that the husband of the complainant and her in laws including the accused-appellants used to harass, beat and tease the complainant for the demand of dowry and car. Upon the said application, enquiry was conducted and ultimately, present case was registered.

4. I have heard the learned counsel for accused-applicant, learned APP for the State and have also perused the record very minutely with their able assistance.

5. Learned counsel for accused-applicant has argued that accused-applicant is innocent and has been falsely implicated in the present case. It has been further contended that the complainant got with accused-applicant on 06.05.2020 during the period of Covid-19 and marriage was simple and no demand of dowry was ever raised by the accused-applicant nor he ever maltreated the complainant. In the month of October 2021 father of complainant took her with him and thereafter her parents changed her mind and she moved an application against accused persons. It has been further contended that the matter has been compromised and both the parties have agreed to file divorce petition under Section 13-B of HMA. All the dowry articles returned to the complainant and in this regard, she has also executed an affidavit. It has further been submitted that the accused-applicant is not required for any recovery and he will abide by all the terms and conditions as imposed upon him and is ready to join the investigation as and when required. Finally learned counsel for accused-applicant has prayed for grant of anticipatory bail.

6. Learned Additional PP for the State vehemently argued that the allegations of demanding dowry have been levelled against present accused-applicant, which are grave in nature. It has been further argued that if anticipatory bail is granted to him, he might misuse the same and might try to hamper the process of investigation and as such, he does not deserve the leniency of the court in grant of relief of anticipatory bail and

finally he prayed for dismissal the present bail application.

7. After hearing rival contentions of both the parties and perusing the record, it has come to the forefront that present accused-applicant being husband of the complainant treated her with utmost cruelty on the demand of dowry. There are also allegations against the present accused-applicant that he alongwith others (non-applicants) raised demand of more dowry and gave beatings to the complainant. These allegations are very serious and grave in nature. At this stage, it is too early to jump to any conclusion for the purpose of bail. The matter is still pending investigation and challan is yet to be presented. Therefore, there is every likelihood that if accused/applicant is granted bail, he may attempt to hamper the process of the investigation in one way or the other. Without further delving into the merits of the case and keeping in view of the fact that there are specific and serious allegations against the present applicant, the court is of the opinion that at this stage, no exceptional circumstances are made out to attract the provision u/s 438 Cr.P.C for granting pre-arrest bail to the present applicant. Consequently, the bail application of accused-applicant is dismissed.

8. Although this bail application is being dismissed, but it is made clear that nothing as expressed in the said order shall have any bearing on the merits of the main case. Police file be returned. Papers be consigned to the record room.

Date of Order : 30.05.2022
Dilbag Singh, Stenographer-II

(Ajit Pal Singh)
Additional Sessions Judge
Gurdaspur/UID No. PB0226