

PBGD010044832022



Presented on : 23-06-2022

Registered on : 23-06-2022

Decided on : 06.07.2022

**IN THE COURT OF Sh. AJIT PAL SINGH
ADDITIONAL SESSIONS JUDGE, GURDASPUR.
Unique Identification Code No. (PB0226)**

Computer generated No. BA-1999-2022

Bail Application RBT no. 277 of 04.07.2022

Date of order: 06.07.2022

Maninderjit Singh son of Kulwinder Singh resident of village Gunopur,
P.S. Bhaini Mian Khan, Tehsil and District Gurdaspur.

--Accused/applicant

Versus

State of Punjab

FIR No. 0043 dated 29.05.2022

U/s 498-A/323 IPC

P.S. Bhaini Mian Khan

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

Present: Sh. G.S. Sohal, Adv. counsel for accused/applicant.
Sh. Hardeep Kumar, Addl.P.P for the State assisted by Sh.
Gurjot Singh Advocate counsel for complainant.

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 Maninderjit Singh for releasing him on bail in aforementioned FIR.

2. Notice of bail application was given to State, consequent upon which learned APP for the State assisted by Sh. Gurjot Singh Advocate counsel for complainant 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 Gurdaspur by Jaspreet Kaur wife of Maninderjit Singh daughter of Bua Singh, wherein she stated that her marriage was solemnized with Maninderjit Singh on 18.11.2020 and at the time of her marriage, her parents had given sufficient dowry articles. Out of the said wedlock, one daughter was born, who is in her custody. After the marriage, her in laws family asked her to do ILETS to which she agreed as her husband was not doing any work and he used to harass, taunt and beat her under the influence of liquor. Her husband was dependent upon his parents and whenever, she asked maintenance from him, he forced her to bring from her parents. At the time of marriage, her parents had given dowry articles including refrigerator, cooler, LCD, furnitures, gold ornaments etc. as per their status, but her in laws family were not happy and they used to taunt her for brining less dowry. Her sister in law is living in Canada and forced her to do ILETS. Her brother in law Tarunpreet Singh came to her in laws house and lived there about one month and during that period, he in connivance with her in laws family used to harass her and instigate her in laws family. At that time she was in a family way and above said persons used to give her beatings and left her in her parental home. She gave birth to a baby girl and all the expenses were borne by her parents, but above said accused did not visit to see new born baby. After some time, the matter was reconciled with the intervention of respectables, but accused did not mend their ways and they used to taunt her for giving birth to a female baby. All the

accused raised demand of Rs. 20 Lacs on the pretext that they would send Maninderjit Singh to Canada. They issued threats to her that in case she would not bring Rs. 20 Lacs, then she should not come to the house, but again the matter was compromised with the intervention of respectables. Her father in law is serving in Punjab Police and he threatened her to involve in a false criminal case. On 04.03.2020 she came to her house after attending class of ILETS from Gurdaspur and then her husband was in drunken condition, who without any reason started beating her and told that she did not bring Rs. 20 Lacs from her parents. Her in laws family gave her severe beatings and they tried to kill her and gave injuries on her forehead with iron rod. Her father in laws dragged her while strangulating her neck with rope. She called her brother, who admitted her in the Civil Hospital, Gurdaspur. On the basis of 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 assisted by Sh. Gurjot Singh Advocate counsel for complainant 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 he has been falsely implicated in the present case and allegations levelled in the FIR are wrong as he never made any demand of dowry or harassed or maltreated the complainant. It has further been submitted that marriage between the parties was simple. Neither any dowry was given or taken at the time of marriage nor after

the marriage and no demand of dowry was ever raised by him. It has further been submitted that there is no specific date, time or year when the complainant was maltreated or demand of dowry was raised and even ingredients of Section 498-A IPC are not made out. It has further been submitted that the complainant was not happy with the accused-applicant and from the day, when she entered into her matrimonial house, she used to quarrel with him on petty matters and she issued threats to implicate him and his family members in false criminal case, but every time she was brought back with the intervention of respectables. It has further been submitted that on 04.03.2022 the complainant started quarreling with accused-applicant without any reason and made phone call to her parents, on which her mother, brother alongwith other family members reached his house at about 08:00 PM armed with deadly weapons and caused simple as well as grievous injuries to him and his mother. The matter was reported to the police and a FIR no. 21 dated 31.03.2022 under Section 326/323/452/148/149 IPC was registered. It has further been submitted that nothing is to be recovered from the accused-applicant 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 assisted by Sh. Gurjot Singh Advocate counsel for complainant vehemently argued that the serious 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 they prayed for dismissal the present bail application.

7. After perusal of record and hearing rival contentions of both the parties, this court is of the considered view that accused-applicant being husband of complainant had maltreated and harassed her on the demand of dowry and also caused simple injury to her. There are specific allegations against the present accused-applicant that he raised raised demand of Rs. 20 Lacs for going to Canada and also issued threats to her that in case she would not bring Rs. 20 Lacs, then she should not come to the house. These allegations are serious and grave in nature. Much stress was given by learned defence counsel that a cross FIR has been registered against the complainant and others which shows that the complainant herself indulged into illegal act and the present FIR is just a counter blast to that FIR. These arguments pertains to the other FIR; that is not sub-judice before this Court at present. At present the main concern is regarding the allegations raised in the FIR in hand in which there are specific allegations against the present accused-applicant regarding maltreatment and demand of heavy cash. So far the averments/contentions of the learned counsel for applicant are concerned, those are matters to be appreciated only after taking evidence during trial. 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. So without further delving into the merits of the case and in view of the fact that there are 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 is dismissed.

8. Although this petition 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. This file be consigned to the record room.

Date of Order : 06.07.2022

Dilbag Singh, Stenographer-II

(Ajit Pal Singh)

Additional Sessions Judge

Gurdaspur/UID No. PB0226