

**In the court of Ms. Palwinder Jit Kaur,
Additional Sessions Judge, Hoshiarpur,
UID No. PB0187**

CIS BA No.1937-2024
CNR No. PBH001005912-2024
Date of institution: 09.07.2024.
Date of order: 12.07.2024.

1. Asha Rani age 55 years wife of Ramesh Kumar;
2. Ramesh Kumar age 57 years son of Chuni Lal;
both residents of Ward no.15 House No.B-19/489/3, Near Railway Station,
Shankar, Distt. Hoshiarpur.

.....Applicants

Versus

State of Punjab

..... Respondent.

FIR No. 158 dated 29.06.2024
Under Sections: 498-A IPC.
P.S. Model Town, Distt. Hoshiarpur

(FIRST APPLICATION FOR ANTICIPATORY BAIL U/S 438 CR.PC)

Present: Sh. Rajnish Kaushal Advocate, for applicant-accused.
Sh. Charanit Singh Addl. PP for the State.
Sh. Sanjiv Bhardwaj Adv. counsel for complainant.

ORDER:

1. This order shall dispose of bail application filed by the applicants-accused under section 438 of the Code of Criminal Procedure for grant of anticipatory bail. Notice of the bail application was issued to the State upon which learned Addl. Public Prosecutor appeared and contested the bail application. Police record has been produced which is perused.

2. As per prosecution version, the present case was registered on the complaint moved by Gitika wherein she stated that her marriage was solemnized with

Akash Gill on 25.2.2018 and sufficient dowry articles were given to the accused persons by her parents at the time of her marriage, but they were not satisfied with the same and used to harass him on petty matters. Before the marriage, her husband Akash Gill came from Kuwait. After some time of marriage, her husband and inlaws started saying that there is no future of her husband in the Kuwait. Her inlaws family pressurizing her to apply study Visa for Canada, New Zealand or Australia and to call her husband there. Thereafter she applied Canada study visa in the year 2018 by spending an amount of Rs.5 lacs and the said amount was given to her by her father after withdrawing the same from his GPF, but her visa was refused by Canadian Embassy. Thereafter she applied study visa for New Zealand and the fee of Rs.5 lacs has been paid by her father. In the year 2019, she went to New Zealand. She further stated that on 12.10.2019, her husband and in laws gave severe beatings to her and also pressurized her to bring Rs. One lac from her father. When she reached New Zealand, her inlaws started telling her to call her husband. In the year 2002, her father applied loan for an amount of Rs.8 lacs from SBI Bank out of which he has paid her fee of Rs.5 lacs. In the year 2022 she came back to India and stayed in India till March 2022. During that period the behaviour of her in laws family was very cruel towards her. In the year 2022, she applied dependent visa for her husband. She alongwith her husband went to New Zealand in the year 2022. In the year 2023, her husband started demand car from her. In the month of July 2023, she alongwith her daughter came to India, but her in laws family did not allow her to enter into her matrimonial house and they shunted out from her matrimonial house.

3. It has been argued by the learned counsel for applicants-accused that the applicants-accused have not committed any offence. The learned counsel further argued that no dowry was given or taken at the time of marriage. The applicants spent huge amount to send complainant and their son to New Zealand. The complainant was residing in New Zealand since 2019, therefore, there is no question of harassment for dowry. The applicant no.2 is Govt. employee. The custodial interrogation of the applicants-accused is not required in this case and they are ready to join investigation and prayed that applicants-accused be released on bail.

4. On the other hand, the learned Addl. PP for the State opposed the bail application on the ground that there are serious allegations against the applicants-accused and they are not entitled for anticipatory bail and prayed for dismissal of the bail application.

5. I have heard the learned counsel for applicant-accused as well as learned Addl. PP for the State and have perused the record.

6. The applicant-accused no.1 is mother-in-law and applicant-accused no.2 is father in law of the complainant. The marriage between the complainant and son of the applicants was solemnized in the year 2018. The present case was registered against the applicants-accused on the complaint moved by the complainant. The allegations against the applicants-accused are more of general nature. The custodial interrogation of the applicants-accused is not required and even otherwise in matrimonial litigation, there is tendency on the part of complainant side to rope in maximum the relatives of the husband to be used as a pressure tactic. So, without commenting much upon merits and keeping in view the facts and circumstances as above, it would be in the fitness of things to admit

the applicants-accused on pre-arrest bail. As such, the applicants-accused Asha Rani and Ramesh Kumar are directed to join investigation within 7 days from today and on their doing so, they shall be released on bail by the investigating officer/SHO to his satisfaction. The present order is subject to the following conditions as envisaged under Section 438(2) Cr.PC.:-

- i. that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- ii. that the applicants shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii. that the applicants shall not leave the country without prior permission of the Court.

The prosecution shall have the right to approach this court in the event of non joining of the applicants-accused in the investigation as directed by this court. Nothing said or observed shall effect on the merits of the case. Police record be returned.

For awaiting report of IO case is adjourned to 31.07.2024.

Announced in open Court:

Dated: 12.07.2024.

Anil Kumar, JW

Direct dictation.

(Palwinder Jit Kaur),
Additional Sessions Judge
Hoshiarpur/(UID No.PB0187).