

In the Court of Sandeep Kumar Singla, Additional Sessions Judge,
Hoshiarpur. (UID No.PB-0118).

Bail application No.3294 of 2020
CIS Number: 1988 of 2020
CNR No.PBHO01-004676-2020
Date of Order: 5.10.2020

Hardeep Kumar, aged 21 years son of Rajwinder Singh, resident of Gokal
Nagar, Police Station Model Town, Hoshiarpur.

.....Applicant-accused.sc

Versus

State of Punjab.

.....Respondent.

FIR No.220 dated 11.9.2020
U/ss 498-A, 406 & 323 IPC
P.S. Model Town, Hoshiarpur.

(Application for anticipatory bail U/s 438 Cr.P.C).

Present: Shri Kulwinder Singh Saini, Counsel for applicant-accused.
Shri Gurpreet Singh, Additional PP for the State.
Shri Munish Kumar Ralhan, Counsel for complainant.

ORDER:

Applicant Hardeep Kumar is seeking anticipatory bail in the
abovesaid FIR. It is pleaded that complainant Anuradha is mother-in-law of
applicant. The applicant is innocent and has been falsely implicated. Marriage
of applicant with Richa was love marriage against the wishes of parents of
Richa and there was no question of giving or taking the dowry. Mother of
Richa had got registered a false case after taking Richa into confidence to
harass and humiliate the applicant. The applicant has also filed a petition
under Section 9 of Hindu Marriage Act for restitution of conjugal rights. He
undertook to abide by terms of bail and prayed for admitting him to
anticipatory bail in the event of his arrest.

2. Notice of bail application was issued to State but it did not file
reply. Rather, orally opposed the bail application.

3. Police record summoned and perused. I have heard the arguments advanced by Learned Counsel for the applicant, Learned Additional PP for State as well as Learned Counsel for complainant and also have gone through the record carefully.

4. Complainant Anuradha in her complaint to SSP, Hoshiarpur had alleged that her daughter Richa was married to accused Hardeep Kumar on 19.8.2018. Sufficient dowry including gold jewelery were given at the time of marriage to the husband and other family members. Accused Hardeep Kumar had been adopted by his maternal grandfather Ram Asra. After the marriage, family members of Hardeep Kumar started harassing her daughter and interfering with the matrimonial life of her daughter. They started demanding more dowry and cash from her daughter. The complainant had given Rs.2 Lakhs on their demand, but they were not happy. Sonu and Sarwan Kumar who are brother-in-law (Jija) of Hardeep Kumar used to do obscene acts with Richa. When she complained about the same to her husband, he asked her to abide by whatever his family members say. On 6.12.2019, when her daughter Richa was pregnant, she was beaten up and turned out of the house. The pregnancy was aborted due to beatings.

5. Enquiry was conducted by SP, PBI, Hoshiarpur and he observed that the allegations against the family members of accused Hardeep Kumar were not proved as he was adopted by his paternal grandfather Ram Asra and was residing with him while the other family members were residing separately. However, allegations against Hardeep Kumar regarding harassment and beatings of his wife and demand of dowry were found to be correct. Accordingly, FIR was registered.

6. Learned Counsel for the applicant-accused has argued that no

dowry article was given at the time of marriage. Moreover, his wife Richa had admitted that her mother is demanding Rs.10 Lakhs from the applicant and audio recording in this regard is available. He further referred to FIR where main allegations are against the family members of applicant and it is mentioned that Richa had complained to her husband Hardeep Kumar about the acts of his other family members, as such he should be granted benefit of anticipatory bail. Learned Additional PP for the State and Learned Counsel for complainant, on the other hand have argued that bail application has been filed by concealing true facts. Photographs of marriage, marriage invitation card and bills of jewelery have been placed on file which shows that parents of Richa themselves performed the marriage. The photographs also show that various articles were given at the time of marriage. Dowry articles are to be recovered and applicant Hardeep Kumar is not entitled to bail.

7. Now from the facts, it comes out that marriage of applicant-accused with Richa daughter of complainant Anuradha was performed on 19.8.2018. Applicant had pleaded that it was a love marriage against the wishes of parents of Richa and no dowry was given. However, the complainant party has produced photographs and other documents which shows that parents of Richa had themselves performed the marriage. Thus, plea of applicant that no dowry articles were given at the time of marriage, which was love marriage, is prima-facie falsified. Even the copies of bills of jewelery have been placed on the file. The applicant was allowed interim bail and he had joined the investigation but he has failed to get recover the dowry articles. The applicant has filed a petition for restitution of conjugal rights but the same has no link with the present bail application. Even the statement of Richa was recorded during enquiry where she raised allegations against the

applicant and his other family members. The audio recording produced by the applicant is a matter of evidence. At this stage, dowry articles are still to be recovered for which the custodial interrogation of applicant will be very much required. Thus, keeping in view these facts, bail application filed by applicant-accused Hardeep Kumar under Section 438 Cr.P.C is hereby dismissed, being without merits. Police record be returned and file be consigned to record room, after its completion.

Announced in open Court:

Dated: 5th October, 2020.

‘Gautam Manocha, JW (SG)’

(Sandeep Kumar Singla),
(D) Additional Sessions Judge,
Hoshiarpur.(UID No.PB-0118).

Hardeep Kumar Versus State. BA No.1988 of 2020.
(CNR No.PBHO01-004676-2020).

Present: Shri Kulwinder Singh Saini, Counsel for applicant-accused.
Shri Gurpreet Singh, Additional PP for the State.
Shri Munish Kumar Ralhan, Counsel for complainant.

Arguments heard. Vide my separate detailed order of even date,
bail application filed by the applicant-accused Hardeep Kumar under Section
438 Cr.P.C, has been dismissed being without merits. Police record be
returned and file be consigned to record room, after its completion.

Announced in open Court:

Dated: 5th October, 2020.

‘Gautam Manocha, JW (SG)’

(Sandeep Kumar Singla),
(D) Additional Sessions Judge,
Hoshiarpur.(UID No.PB-0118).