

In the Court of Rajinder Pal Goyal (), Special Judge-
cum-Additional Sessions Judge, Rohtak.

CIS No. [redacted]
Bail application No. [redacted] 8
Date of institution: [redacted]
Date of Order : ([redacted])

[redacted] son of [redacted] r/o village [redacted], Tehsil and District
Rohtak.

..... Applicant-accused.

Vs.

State of Haryana.

..... Respondent-the State.

FIR No. 153 dated [redacted]
Under Sections: 313, 323, 498-A, 406, 506/34 of IPC,
Police Station : Lakhan Majra, District Rohtak.

Application for anticipatory bail under Section 438 Cr.P.C.

Present: Shri [redacted] counsel for the applicant-accused.
Shri [redacted] learned Public Prosecutor for the State
assisted by S [redacted], counsel for the complainant.

ORDER:

This order of mine shall dispose of application for anticipatory
bail under Section 438 of Cr.P.C. filed by the applicant-accused [redacted] in case
FIR No. 153 dated [redacted], under Sections 313, 323, 498-A, 406, 506/34 of
the Indian Penal Code, Police Station Lakhan Majra, District Rohtak.

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Addl. Sessions Judge,
Rohtak. ([redacted])

2. The brief facts of the prosecution case for disposal of this bail application are that the complainant addressed a complaint against the accused regarding demanding of dowry, beating and her forceful abortion. She stated that she was married with [redacted] on 23.11.2016 in village Girawar after being sufficient dowry. But her in-laws were not satisfied with the dowry. Her husband was employed in the Army who beats her at the instance of his parents whenever he came on leave. Her in-laws pressurized her to bring Rs.5,00,000/- and her father on being told about the demand expressed his inability but in order to keep her home intact. He arranged Rs.3,50,000/- on different dates from different persons and gave to her in-laws and still her in-laws were pressurizing her to bring Rs.1,50,000/-. They had got her aborted twice. On this complaint, case FIR under Sections 323, 313, 498-A, 406, 506/34 of IPC was registered. Investigation was carried out by L/SI Hawa Kaur. For the purpose of verification, the notice was got served upon the accused for 9.8.2018 for their appearance before DSP, Meham but they did not turn up. But when SI reached at the house of the accused for getting service of the accused but they refused to take the notice and she clicked a photograph after affixing the copy of notice upon the gate of the house of the accused. [redacted] tried to take the SI inside his house by holding her hand, at which L/SI had got registered a case FIR No. [redacted] 9 dated 1 [redacted] 8 under Sections 186, 332, 353, 354-A of IPC. Dowry articles are to be recovered from the possession of accused. The complainant was also got medico-legally

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[REDACTED]

examined. The applicant-accused was not joined the investigation despite repeated notice.

3. The learned counsel for the applicant-accused sought anticipatory bail of the applicant-accused on the ground that the allegation in the FIR are false and the accused never demanded any dowry and there is no medical evidence as to miscarriage of the complainant by the accused. The accused has come to know that [REDACTED] a without getting divorce from her earlier husband had got married with [REDACTED]. She is not legally wedded wife of [REDACTED]. The application for bail is accompanied by duly sworn affidavit of the accused [REDACTED].

4. I have heard the learned counsel for applicants-accused and learned Public Prosecutor and perused the case file very carefully.

5. There are no allegations by L/SI Hawa Kaur against him. But the allegations levelled against him are of beating, torturing and being a party to the abortion of the complainant, the authenticity of these allegations is still to be proved merely because the dowry articles are to be recovered, he cannot be kept behind bars. Reliance in this regard can be placed upon **2017(3) RCR (Criminal) 836 titled as Rajesh Sharma Versus State of U.P. and others** wherein it was held by the Hon'ble apex Court that the recovery of dowry items may not by itself be a ground for denial of bail. In **2014(5) RCR (Criminal) 771 titled as Pritpal Singh Versus State of Punjab and others** it was held by Hon'ble Punjab & Haryana High Court that anticipatory bail could not be refused on ground that some articles were still to be recovered. Proceedings under Section 406, 498-A are not meant for recovery of jewellery

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Rohtak. [REDACTED]

and dowry articles. Complainant is so chooses can move civil Court for recovery of said articles. Reliance can also be placed on **2000(2) CLR 16 titled as Paramjeet Singh Versus State of U.T. Chandigarh**. Therefore, the accused [redacted] shall stands admitted to anticipatory bail on his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of learned Area/Duty Magistrate/Arresting Officer subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure. It is made clear that the order of this Court shall have no bearing on the merits of the case.

File be consigned to record room after due compliance.

Announced
05.09.2018

Manoj Kumar,
Stenographer Gr.I

(Rajinder Pal Goyal)
Special Judge-cum-
Addl.Sessions Judge
Rohtak. UID No. [redacted]

(Rajinder Pal Goyal)
Addl. Sessions Judge,
Rohtak. [redacted]

Present: Shri [REDACTED] a, counsel for the applicant-accused.
Shri [REDACTED], learned Public Prosecutor for the State
assisted by Shri [REDACTED], counsel for the complainant.

As per separate order of even date, bail application of the applicant/accused is allowed. Papers be consigned to records after making necessary compliance.

Announced
[REDACTED]

Manoj Kumar,
Stenographer Gr.I

(Rajinder Pal Goyal)
Special Judge-cum-
Addl. Sessions Judge
Rohtak. UID No [REDACTED]

(Rajinder Pal Goyal)
Addl. Sessions Judge,
Rohtak [REDACTED]