

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13654-2015 (O&M)
Date of decision: 18.08.2015

Ajmer Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. J.S. Bhandohal, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment? YES/NO
2. To be referred to the reporters or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

RAMESHWAR SINGH MALIK, J.

Petitioner seeks bail pending trial in FIR No.129 dated 21.03.2010 under Sections 406, 420, 467, 468, 471, 120-B of Indian Penal Code ('IPC' for short) and Section 376 IPC (added later on), registered at Police Station Division No.5 Ludhiana, District Ludhiana.

Learned counsel for the petitioner submits that petitioner has been inside the jail since November 2013. No offence under Section 376 IPC is made out against him, because the complainant was his wife. He further submits that since the prosecution evidence is still going on, conclusion of trial will take some time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions

from HC Davinder Singh, Police Station Division No.5 Ludhiana, District Ludhiana, submits that petitioner has not only indulged in illegal activities but he has misconducted himself to such an extent that he is not entitled for the concession of bail pending trial. Despite knowing fully well that he was living with the complainant, he filed a divorce petition pointing out the address of the complainant as factually incorrect. Thereafter, he put the signatures of the complainant on the summons issued by the Court so as to keep her in total dark. Petitioner secured the ex-parte decree of divorce on 03.02.2009. Even thereafter, he kept on residing with the complainant who was no more his wife, after the decree of divorce. In such a situation, offence under Section 376 IPC would be made out against the petitioner. Learned counsel for the State would next contend that the petitioner remained proclaimed offender for a long period of more than one year, because of which the trial could not be concluded. In this view of the matter, petitioner is not entitled for the concession of bail pending trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that in the totality of facts and circumstances of the case, petitioner has not been found entitled for bail pending trial. The petitioner has been misusing the process of law at every relevant point of time. He defrauded his wife-complainant. Despite seeking ex-parte decree of divorce, he kept on residing with his former wife. Thereafter, he also remained proclaimed offender for quite some time. In such a situation, if the petitioner is released on bail pending trial, there will be every likelihood that he will again abscond from

the proceedings and the trial will not be concluded. Under these circumstances, petitioner is not entitled for bail pending trial.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, no case for bail pending trial has been made out.

Dismissed.

18.08.2015
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE