

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No.M-14710 of 2014
Date of decision : 14.07.2015**

Daljit Singh

.....Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

Present: Mr. Munish Puri, Advocate
for the petitioner.

Mr. V.P.S. Sldhu, AAG, Punjab.

Mr. Ajay Pal Singh Rehan, Advocate for
respondent no.2.

ANITA CHAUDHRY, J (ORAL)

The petitioner is seeking anticipatory bail in FIR No.15 dated 24.01.2014, registered under Section 498-A, 406, 494, 120-B IPC, Police Station Dina Nagar, District Gurdaspur.

A complaint was lodged by Sarabjit Kaur containing the allegations that she had got married to the petitioner on 19.02.2012 at Maharaj Gurdwara Dinanagar. No child was born from the wedlock. Allegations were levelled that there were dowry demands. The complainant came to know that the petitioner before this marriage had a relation with Rajvir Kaur. Rajvir Kaur got married to some other

person. The petitioner then married the complainant. Allegations were made that the petitioner has now solemnized second marriage with Rajvir without getting a divorce.

At the time of presentation of the petition it had been urged on behalf of the petitioner that the petitioner had not married the complainant though he was engaged to her but the engagement broke and the petitioner had married Rajvir Kaur. The case was adjourned to enable the parties to produce material in support of their respective stands.

On 05.08.2014, it was submitted on behalf of the petitioner that he was ready to settle the matter. The complainant was impleaded as a party. Notice was issued to her and she had appeared and filed her reply along with marriage certificate, photograph, affidavit of the Granthi and the order passed in the protection petition. Considering the nature of the dispute, the co-ordinate Bench sent the matter to the Mediation Centre and interim bail was allowed to the petitioner in October, 2014. The file was returned back as the efforts proved futile.

The State counsel had informed that the petitioner though had joined the investigation but had refused to give his signatures and had stated that no such order was passed by the Court. The complainant is present in the Court. Efforts were again made to see if the matter could be settled but the petitioner side is adamant and are denying the marriage.

The counsel for the petitioner contends that there is no marriage and petitioner had married Rajvir Kaur and had approached

the High Court for protection and an order was passed in February, 2013. Learned counsel further contends that the allegations under Section 494 IPC will have to be proved and if the marriage had taken place in the Gurudawara, there was no occasion for giving any dowry articles.

The State counsel informs that while investigating the complaint, the Investigating Officer had visited the Gurudwara and had collected the certificate and had recorded the statement of Granthi and in their record, the marriage between the petitioner and complainant had taken place in February, 2012.

The petitioner does not dispute the photograph Annexure R-2. It is stated that this photograph was taken at the time of engagement. The photograph speaks for itself. The girl is seen wearing the Chura, which is not worn at the time of the engagement. From the attire worn by the couple in the photograph, it seems the photograph was taken at the time of wedding. The petitioner is disputing the marriage. He has married another girl. In the given circumstances, no case of anticipatory bail is made out.

The petition is dismissed.

14.07.2015
sunil

(ANITA CHAUDHRY)
JUDGE