

CRM-M-15989-2015 (O&M)

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

**CRM-M-15989-2015 (O&M).
Decided on: September 7, 2015.**

Tarsem Atwal

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

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CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

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**PRESENT Mr.Vikram Satpal Anand, Advocate,
for the petitioner.**

Mr.Jashan Preet Singh, AAG., Punjab.

M.M.S. BEDI, J. (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Parveen daughter of Gurmail Singh alleging that the petitioner had persuaded her to marry him without disclosing the fact that he was already married to one Poonam and had also got a son.

Counsel for the petitioner submits that the complainant had earlier filed a private complaint under Section 376 IPC against the petitioner but it was withdrawn on 5.9.2013. She had also filed an application under Section 11 of the Hindu Marriage Act, for declaring the marriage void ab initio. The said application has also been withdrawn on 22.2.2014.

State counsel, on the instructions of ASI Amarjit

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Singh, informs that the petitioner has joined investigation pursuant to the interim orders passed by this Court.

I have heard the counsel for the petitioner as well as the State counsel and gone through the police file.

A perusal of the police file indicates that during the course of investigation, statement of Gurmail Singh father of the complainant has been recorded to the effect that the complainant had been duped and persuaded to marry with Parveen. It transpired later on that the petitioner was already married and he had committed the act of cheating.

In this context the Investigating Agency appears to have obtained a Panchayatnama signed by various villagers indicating the conduct of the petitioner. The act of the petitioner falls within the definition of cheating under Section 415 IPC having intentionally deceived the complainant into a belief that he was unmarried and persuaded her to marry him to which she would not have agreed to had she been informed about the status of the petitioner. Mere fact that the petitioner has been able to misuse his liberty by pressurising/persuading the complainant to withdraw the complaint under Section 376 IPC and a petition under Section 11 of the Hindu Marriage Act, are not sufficient enough to grant the concession of pre-arrest bail to the petitioner.

I do not find any ground to grant the concession of pre-arrest bail to the petitioner.

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The petition is dismissed. Interim order is vacated.

Nothing mentioned in this order will prejudice the rights of the petitioner to seek concession of regular bail.

(M.M.S.BEDI)
JUDGE

September 7, 2015.
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