

211 CM-5018-CII-2014 in COCP-1354-2013
SUKHDEV SINGH SARPAL VS P.S.AUJLA AND ORS.

RAJ KUMAR ARORA
2015.01.30 10:47

PRESENT **None for the petitioner.**

Adjourned to 24.4.2015, for arguments.

(M.M.S. BEDI)
JUDGE

January 29, 2015.
rka

216 CRM-M-755-2015

HARPREET KAUR VS STATE OF PUNJAB

**PRESENT Mr.Anil Chaudhary, Advocate,
for the petitioner.**

Mr.C.S.Brar, DAG., Punjab.

Notice of motion for 3.3.2015.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

219 CRM-M-2497-2015

PURAN SINGH VS STATE OF PUNJAB

**PRESENT Mr.R.K.Dadwal, Advocate,
for the petitioner.**

Mr.C.S.Brar, DAG., Punjab.

For having been found in possession of 260 gms. of Heroin marginally higher than the commercial quantity prescribed. He has been in custody w.e.f. 2.8.2014 but no witness has been examined.

Notice of motion to the State for 17.3.2015.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

220 CRM-M-37306-2014

ROSHAN LAL VS STATE OF HARYANA

**PRESENT Mr.A.P.S.Sandhu, Advocate,
for the petitioner.**

Mr.M.S.Sidhu, Addl. A.G., Haryana.

Despite a direction, trial has not been concluded in
six months.

Notice of motion to the Advocate General, Haryana,
for 11.3.2015.

The trial Court shall furnish the status of the trial on
next date of hearing.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

222 CRM-M-25299-2014
PRAVEEN VS STATE OF HARYANA

PRESENT **Mr., Advocate,**
 for the petitioner.

Mr.C.S.Brar, DAG., Punjab.

Notice of motion to the Advocate General, Haryana, for 28.9.2014. State counsel, on the instructions of HC Sohan Singh, informs that the petitioner has joined investigation. In view of said circumstance, this petition is allowed. Interim order dated 23.5.2014 is hereby made absolute subject to all the conditions under Section 438 (2) Cr.P.C. Meanwhile, interim order will remain operative subject to petitioners again joining investigation as and when required. Petition is allowed. It is ordered that in case of arrest of the petitioner he will be released on bail to the satisfaction of the arresting officer subject to the conditions that he will join investigation as and when required and will not tamper with the evidence or hamper investigation, in any manner. The petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the conditions that he will not commit the similar offence of which he is accused of during the pendency of the trial. He will also furnish an undertaking before his release to be submitted in the Special Court that in case he is found to commit similar offence again, the bail will be liable to be cancelled.

(M.M.S. BEDI)
JUDGE

January 29, 2015.
rka

223 CRM-M-1646-2015

ARJUN GILL VS UT OF CHANDIGARH

**PRESENT Mr.R.S.Cheema, Sr., Advocate, with
 Mr.A.S.Cheema, Advocate,
 for the petitioner.**

**Proxy counsel for Mr.Sukant Gupta, Advocate,
for UT, Chandigarh.**

On account of bereavement in the family, Mr.Sukant Gupta, Advocate, is not available.

Proxy counsel prays for adjournment.

With the assistance of the Investigating Officer present in the Court, I have gone through the police file showing that the challan has been prepared and is ready to be presented.

For arguments, to come up on 2.2.2015.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

224 CRM-965-2015 in CRA-D-1683-DB-2011
KAPTAN SINGH VS STATE OF HARYANA

PRESENT **Mr.J.S.Lalli, Advocate,**
for the appellant.

Mr.C.S.Brar, DAG., Punjab.

Custody certificate placed on record.

For arguments, adjourned to 2.3.2015.

Be shown in urgent list.

(M.M.S. BEDI)
JUDGE

January 29, 2015.
rka

225 CRM-1193-2015 in CRA-S-5280-SB-2014
VIKRAM SINGH AND ANR. VS STATE OF PUNJAB

PRESENT **Mr.S.P.S.Sidhu, Advocate,**
 for the petitioner.

Mr.C.S.Brar, DAG., Punjab.

Notice of the application to the State for 20.4.2015.

(M.M.S. BEDI)
JUDGE

January 29, 2015.
rka

226 CRM-3746-2013 in CRM-A-27-MA-2013
M/S RISE CONSORTIUM INDIA PVT LTD VS M/S B M BHARTI &
CO & ANR

PRESENT **Proxy counsel for Mr.Pankaj Jain, Advocate,**
for the petitioner.

Adjourned to 17.8.2015, for arguments.

(M.M.S. BEDI)
JUDGE

January 29, 2015.
rka

227 CRM-12383-2013 in CRM-A-96-MA-2013
MUKESH TAKKAR VS MANGE RAM

PRESENT Mr.Sandeep K.Sharma, Advocate,
for the petitioner.

Mr.N.C.Kinra, Advocate,
for the respondent.

Adjourned to 12.8.2015.

(M.M.S. BEDI)
JUDGE

January 29, 2015.
rka

228 CRM-16705-2013 in CRM-A-152-MA-2013

MUKESH TAKKAR VS MANGE RAM

**PRESENT Mr.Sandeep K.Sharma, Advocate,
for the petitioner.**

**Mr.N.C.Kinra, Advocate,
for the respondent.**

Adjourned to 12.8.2015.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

229 CRM-A-1111-MA-2013

229 CRM-A-1134-MA-2013

229 CRM-A-1135-MA-2013

229 CRM-A-425-MA-2014

GURJIT KAUR VS STATE OF PUNJAB & ANR.

PRESENT Mr.H.C.Arora, Advocate.

Mr.C.S.Brar, DAG., Punjab.

Mr.Rajiv K. Kapila, Advocate.

For arguments, adjourned to 17.8.2015.

A copy of the order be placed on the files of
connected cases.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

230 CRM-12317-2014 in CRA-S-1705-SB-2014
CHAND RAM VS BHAGWAN DASS AND ANR

PRESENT **Mr.Gorakh Nath, Advocate,**
for the appellant.

Mr.B.R.Vohra, Advocate, for respondent No.1.

Mr.M.S.Sidhu, Addl. A.G., Haryana.

For arguments, adjourned to 20.8.2015.

(M.M.S. BEDI)
JUDGE

January 29, 2015.
rka

231 CRM-A-377-MA-2014

KASHMIR SINGH VS NISHAN SINGH AND ORS

**PRESENT Mr., Advocate,
 for the petitioner.**

Mr.C.S.Brar, DAG., Punjab.

Notice of motion to the Advocate General, Haryana, for 28.9.2014. State counsel, on the instructions of HC Sohan Singh, informs that the petitioner has joined investigation. In view of said circumstance, this petition is allowed. Interim order dated 23.5.2014 is hereby made absolute subject to all the conditions under Section 438 (2) Cr.P.C. Meanwhile, interim order will remain operative subject to petitioners again joining investigation as and when required. Petition is allowed. It is ordered that in case of arrest of the petitioner he will be released on bail to the satisfaction of the arresting officer subject to the conditions that he will join investigation as and when required and will not tamper with the evidence or hamper investigation, in any manner. The petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the conditions that he will not commit the similar offence of which he is accused of during the pendency of the trial. He will also furnish an undertaking before his release to be submitted in the Special Court that in case he is found to commit similar offence again, the bail will be liable to be cancelled.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

232 CRM-7949-2014 in CRA-S-236-SB-2012

PREM SINGH VS STATE OF HARYANA

**PRESENT Mr.D.S.Adlakha, Advocate,
for the appellant.**

Mr.M.S.Sidhu, Addl. A.G., Haryana.

Having suffered sentence of imprisonment for a period for 4 years and 1 month out of 10 years awarded and the appellant being a patient of T.B., it is ordered that sentence of imprisonment of appellant will remain suspended during pendency of the appeal subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Yamuna Nagar along with an undertaking that he will not commit the similar offence of which he is accused of during pendency of the appeal.

CRM is disposed of.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

233 CRM-16371-2014 in CRA-S-3550-SB-2012

ASHU ARORA VS STATE OF PUNJAB

**PRESENT Mr.Sukhjeet Singh, Advocate,
for the appellant.**

Mr.C.S.Brar, DAG., Punjab.

The appellant having undergone sentence of imprisonment of more than 4 years out of 10 years and no chance of appeal being heard in near future and further the matter being covered by the judgment in **Daler Singh V/S State of Punjab,2007 (1) RCR (Crl.) 316**, it is ordered that sentence of imprisonment of appellant Ashu Arora will remain suspended during pendency of the appeal subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Ludhiana.

CRM is disposed of.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

233 CRM-258-2014 in CRA-S-2940-SB-2012
SALINDER NAIR @ SHIVA VS STATE OF PUNJAB

PRESENT **Ms.Divya Sharma, Advocate,**
 for the appellant.

Mr.C.S.Brar, DAG., Punjab.

The appellant having undergone sentence of imprisonment of more than 4 years out of 10 years and no chance of appeal being heard in near future and further the matter being covered by the judgment in **Daler Singh V/S State of Punjab,2007 (1) RCR (Crl.) 316**, it is ordered that sentence of imprisonment of appellant will remain suspended during pendency of the appeal subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Ludhiana.

CRM is disposed of.

(M.M.S. BEDI)
JUDGE

January 29, 2015.
rka

234 CRM-22702-2014 in CRA-S-3107-SB-2014

NAIB SINGH VS STATE OF PUNJAB

**PRESENT Mr.A.K.Khunger, Advocate,
for the appellant.**

Mr.C.S.Brar, DAG., Punjab.

Co-convict of the appellant Nikka Singh having been granted the suspension of sentence of imprisonment, it is ordered that sentence of imprisonment of Naib Singh appellant will remain suspended during pendency of the appeal subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Ferozepur.

CRM is disposed of.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

235 CRM-35289-2014 in CRA-S-4706-SB-2014
SWARAN SINGH VS STATE OF PUNJAB

PRESENT **Mr.Parvesh Sachdeva, Advocate,**
 for the petitioner.

Mr.C.S.Brar, DAG., Punjab.

Heard.

Sentence of imprisonment of the appellant will remain suspended during pendency of the appeal subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Fazilka.

CRM is disposed of.

(M.M.S. BEDI)
JUDGE

January 29, 2015.
rka

236 CRM-36269-2014 in CRA-S-4857-SB-2014
PARAMJIT KAUR VS STATE OF PUNJAB

PRESENT **Mr.P.S.Sekhon, Advocate,**
 for the appellant.

Mr.C.S.Brar, DAG., Punjab.

Custody certificate placed on record indicating that only three months' of sentence of imprisonment has been undergone.

Adjourned to 31.3.2015.

(M.M.S. BEDI)
JUDGE

January 29, 2015.
rka

237 CRM-1284-2015 in CRA-S-4660-SB-2014
DALIP SINGH & ANR VS STATE OF PUNJAB

PRESENT Mr.Pritam Singh, Advocate,
for the appellant Jaswinder Kaur.

Mr.C.S.Brar, DAG., Punjab.

The husband and wife have been convicted to undergo rigorous imprisonment for two years under Section 21 (b) of the NDPS Act. Wife Jaswinder Kaur appellant can be granted the concession of suspension of sentence of imprisonment in order to enable her to look after the two children who are also detained in the Jail there being no one to look after them. It is ordered that sentence of imprisonment of Jaswinder Kaur appellant will remain suspended during pendency of the appeal subject to her furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, S.A.S.Nagar, Mohali. Before her release she will furnish an undertaking that in case she commits the similar offence of which she is accused of during pendency of the appeal the concession of suspension of sentence of imprisonment granted to her will be liable to be withdrawn.

CRM is disposed of.

(M.M.S. BEDI)
JUDGE

January 29, 2015.
rka

238 CRM-52060-2013 in CRR (F)-196-2013

SATYAWAN VS REKHA AND ANR

**PRESENT Mr.Rajiv K. Saini, Advocate,
for the petitioner.**

Fresh notice be issued to respondent No.1 for
27.7.2015.

Dasti also.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

239 CRR-1966-2013

RAGHUBIR SINGH VS VIKRAM & ORS

**PRESENT Mr.G.S.Dhillon, Advocate,
for the petitioner.**

At the request of counsel for the petitioner,
adjourned to 12.5.2015.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

240 CRR-3027-2013

RAJENDER PARSAD VS STATE OF HARYANA AND ANR

PRESENT **Proxy counsel for Mr.N.S.Shekhawat, Advocate,
for the petitioner.**

Mr.M.S.Sidhu, Addl. A.G., Haryana.

At the request of proxy counsel for the petitioner,
adjourned to 24.8.2015.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

RANDEEP SINGH VS UT OF CHANDIGARH

PRESENT **Mr.J.S.Bedi, Sr., Advocate, with
Mr.Diya Sodhi, Advocate,
for the petitioner.**

Mr.C.S.Brar, DAG., Punjab.

**Mr.Vivek K.Thakur, Advocate,
for the complainant.**

Petitioner has been convicted for having committed an offence under Section 498-A IPC by maltreating Rupinder Kaur who was allegedly married to the petitioner on 20.11.2004 in Hotel Regency in presence of the relations from both the sides. There are allegation of demand of dowry besides a demand of Car with Rs.2 lacs. A sum of Rs.3 lacs was allegedly spent to serve meal at the time of ceremony. The petitioner has been acquitted of offence under Section 406 IPC but convicted to undergo rigorous imprisonment for having committed offence under Section 498-A IPC.

Counsel for the petitioner has submitted that an engagement ceremony in a Hotel on 20.11.2014 has been treated as a marriage ceremony by describing the ceremony as Chunni Chadai ceremony. There is no ceremony of saptpadi or lavans which are necessary to establish the marriage.

Counsel for the petitioner has also referred to other circumstances to submit that in the absence of marriage having been established, conviction under Section 498-A IPC is not sustainable.

Counsel for the complainant has intervened to oppose the revision petition contending that the statement of

complainant as PW.1 made in the Court is sufficient enough to establish the relationship of complainant and petitioner as husband and wife. Though the complainant has admitted in her cross-examination that no Anand Karaj ceremony was performed and no photograph was taken at the time of marriage ceremony but she in order to establish the relationship of husband and wife has stated that the marriage was by way of Chunni Charai ceremony as it was the second marriage of both the parties.

I have considered the contentions of the learned counsel for the complainant that the ceremony of holding of Palla, Chunni Charai and performance of Ardas at Hotel is sufficient enough to establish the marriage. He relies upon judgment of Hon'ble the Apex Court in **Reema Aggarwal Vs. Anupam and others, 2004 (1) RCR (Crl.) 776**, wherein it was held that living together of a male and female for a long time would raise a presumption that there was a valid marriage. In said circumstances, the offence under Section 498-A, 494 and 304 B IPC were held to be applicable.

I have heard the learned counsel for the petitioner as well as the learned counsel for the complainant. In view of the photograph indicating the complainant holding a cloth stated to be Palla, the following questions appear to arise for adjudication: -

Whether the engagement ceremony dated 20.11.2004 could be said to be a marriage ceremony by giving it the name of Chunni Charai ceremony when no lavans as per the law are established to have been performed?

Whether in the absence of establishment of a

custom of marriage by Chunni Charai of widows, it could be presumed that customarily the celebrations on 20.4.2014 would constitute a marriage ceremony?

Whether in the absence of recitation of relevant part of Guru Granth Sahib and absence of any lavans, the occurrence dated 20.4.2014, could be said to be a marriage?

Whether the material produced on the record is sufficient enough to warrant a presumption and finding under Section 50 of the Evidence Act that marriage is established by conduct of the parties especially when no evidence has been produced by the prosecution agency to establish the relationship by conduct?

Whether the judgment of Hon'ble the Apex Court in Seema Vs. Ashwani Kumar laying down that the registration of marriage would be proved in case of dispute having arisen regarding the existence of relationship by marriage would be applicable in the present case.

Admitted.

It has been informed that the petitioner has undergone sentence of imprisonment of 1 month and 25 days.

Without expression of any opinion on merits of the case, at this stage, in details, prima facie it may be a case where the complainant party has been put to unnecessary harassment and expenses. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Chandigarh, subject to paying a sum of Rs.3 lacs in the shape of bank draft in the name of complainant which be considered as interim compensation under law subject to final

decision of the case. Before releasing the petitioner, the bank draft will be deposited with the the Chief Judicial Magistrate, Chandigarh. It will be open to said Court to release the said bank draft to the complainant subject to final decision of the present revision petition.

(M.M.S. BEDI)
JUDGE

January 29, 2015.
rka

242 CRR-1694-2014 (O&M)
DALBIR SINGH VS STATE OF PUNJAB

PRESENT **None for the petitioner.**

Mr.C.S.Brar, DAG., Punjab.

On written request, adjourned to 18.8.2015.

(M.M.S. BEDI)
JUDGE

January 29, 2015.
rka

243 CRR-2535-2014

KIRAT SINGH AND OTHERS VS STATE OF HARYANA

PRESENT None for the petitioners.

Mr.M.S.Sidhu, Addl. A.G., Haryana.

For arguments, adjourned to 7.5.2015.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

244 CRM-M-1115-2009

RAJINDER SINGH VS STATE OF PUNJAB AND ORS.

INTERIMFINAL NOYES

245 CRM-M-37719-2013

**PIARA SINGH VS STATE OF PUNJAB & ORS INTERIMFINAL
NOYES**

246 CRM-M-29967-2014

**ARUN RANA VS STATE OF PUNJAB & ORS INTERIMFINAL
NOYES**

247 CRM-M-40827-2014

**MANJIT SINGH VS STATE OF PUNJAB AND ORS INTERIMFINAL
NOYES**

248 CRWP-1382-2014

SHAMINDERJIT KAUR VS STATE OF PUNJAB & ORS

PRESENT None for the petitioner

Mr.R.S.Nain, AAG., Punjab.

**Mr.Yogesh Goel, Advocate,
for the respondent.**

Matter is stated to be pending before the Mediation
and Conciliation Centre of Punjab and Haryana High Court.

For report, now, to come up on 8.3.2015.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

249 CRWP-1920-2014 (O&M)

ROBIN SHARMA VS STATE OF PUNJAB AND ORS

CRWP-1921-2014 (O&M)

SOHAN SINGH BARDWAJ VS STATE OF PUNJAB AND ORS

PRESENT Proxy counsel for Mr.Vivek Sharma, Advocate.

Mr.R.S.Nain, AAG., Punjab.

**Mr.Ashish Gupta, Advocate,
for respondent No.4.**

At the request of proxy counsel for the petitioner,
adjourned to 12.3.2015.

A copy of the order be placed on the file of
connected case.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

250 CRM-M-6885-2013

**RAMKISHANA MUDOLKAR AND ANR VS STATE OF PUNJAB
AND ANR INTERIMFINAL NOYES**

251 CRM-M-8217-2014

GURPREET SINGH VS AMANDEEP KAUR AND ANR

**PRESENT Mr.D.R.Singla, Advocate,
for the petitioner.**

**Mr.Rajender Kumar, Advocate, for
Mr.P.S.Dhaliwal, Advocate, for the respondents.**

At the request of counsel for the petitioner,
adjourned to 21.4.2015.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

252 CRM-M-14302-2014

MOHINDER KAUR AND ORS VS STATE OF PUNJAB

INTERIMFINAL NOYES 253 CRM-M-22345-2014

SUKHWINDER SINGH @ BHANGI VS STATE OF PUNJAB & ANR

INTERIMFINAL NOYES 254 CRM-M-37371-2014

KULVIR SINGH @ KULBIR SINGH & ORS VS STATE OF PUNJAB

& ANR INTERIMFINAL NOYES 255 CRM-M-39620-2014

GURBACHAN SINGH VS TILAK RAJ INTERIMFINAL NOYES 256

CRA-S-3893-SB-2014

MANOHAR LAL VS STATE OF HARYANA & ORS INTERIMFINAL

NOYES 257 CRR-3657-2014

M/S RAM DASS & SONS VS M/S KHALSA TRADE INTERIMFINAL

NOYES 258 CRR-3968-2014

PARVEEN GILL VS GURDAYAL SINGH INTERIMFINAL NOYES

259 CRM-M-40570-2014

KAILASH NATH SAINI VS STATE OF PUNJAB & ORS

**PRESENT Mr., Advocate,
 for the petitioner.**

Mr.C.S.Brar, DAG., Punjab.

Notice of motion to the Advocate General, Haryana, for 28.9.2014. State counsel, on the instructions of HC Sohan Singh, informs that the petitioner has joined investigation. In view of said circumstance, this petition is allowed. Interim order dated 23.5.2014 is hereby made absolute subject to all the conditions under Section 438 (2) Cr.P.C. Meanwhile, interim order will remain operative subject to petitioners again joining investigation as and when required. Petition is allowed. It is ordered that in case of arrest of the petitioner he will be released on bail to the satisfaction of the arresting officer subject to the conditions that he will join investigation as and when required and will not tamper with the evidence or hamper investigation, in any manner. The petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the conditions that he will not commit the similar offence of which he is accused of during the pendency of the trial. He will also furnish an undertaking before his release to be submitted in the Special Court that in case he is found to commit similar offence again, the bail will be liable to be cancelled.

**(M.M.S. BEDI)
JUDGE**

**January 29, 2015.
rka**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-1700-2015 (O&M).
Decided on: January 29, 2015.**

Jugraj Singh

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

*** * ***

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

**PRESENT Mr.Piyush Aggarwal, Advocate,
for the petitioner.**

Mr.C.S.Brar, DAG., Punjab.

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

The petitioner along with his co-accused was found carrying 80 kgs. of poppy husk contained in three plastic bags. He has been in custody since 19.5.2014. Co-accused of the petitioner has been granted the concession of bail by this Court on 28.1.2015 in CRM-M-41591-2014. On the principle of parity, the petitioner can also be granted the concession of bail.

The petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the condition that he will not commit the similar offence of which he is accused of during the pendency of the trial.

**January 29, 2015.
rka**

**(M.M.S. BEDI)
JUDGE**

