

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-26069 of 2015
Date of Decision:07.08.2015

Smt. Suman

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. S.S. Siao, Advocate
for the petitioner.

R.P. Nagrath, J.

This petition has been filed under Section 439(2) Cr.P.C. seeking cancellation of anticipatory bail granted by the learned Addl. Sessions Judge in FIR No.101 dated 27.05.2015 under Sections 323, 406, 494, 498-A, 506 IPC Police Station Sector 14, Panchkula.

The marriage between petitioner and respondent No.2 was solemnised on 11.12.2005. Allegations are made with regard to entrustment of some dowry articles and mal-treatment and harassment meted out to the petitioner by her in-laws family members. It was stated that investigation by the police has not been fair and rather parents of respondent No.2 have been left out.

I have heard learned counsel for the petitioner at considerable length and find that no ground is made out for cancellation of bail.

The complaint was made before the Chief Judicial

Magistrate and it was forwarded to the police in terms of Section 156 (3) Cr.P.C. for registration of the case. The application for grant of pre-arrest bail was contested before the Addl. Sessions Judge on the ground that respondent No.2 has also solemnised second marriage during life time of complainant-petitioner and thus committed the offence under Section 494 IPC. That of course is non-cognizable offence. It was also noticed that the FIR was registered after 9 years of the marriage.

Learned counsel for the petitioner submits that life of petitioner has been ruined and she has been left as a destitute. Earlier she was being treated as domestic maid. To establish the offence of bigamy, reference is made to photograph of respondent No.2 (Annexure P-5) with that lady.

I find that this evidence may be led by the petitioner in proof of the charges against respondent No.2. for establishing the cruelty as well as bigamy but this cannot be the ground for cancellation of bail.

Learned counsel for the petitioner, however, submits that the matter needs to be referred to the Mediation Centre. For that, appropriate application can be moved before the trial Magistrate or appropriate petition can be filed before the Matrimonial Court.

From the allegations contained in the petition, there is absolutely no ground made out for cancellation of bail.

Dismissed.

07.08.2015

(R.P. Nagrath)
Judge

sk