

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

CRM-M-3046-2015 (O&M)
Date of Decision: 06.10.2015

Pawan Kumar

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

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? No

Present: Mr. Rakesh Dhiman, Advocate
for the petitioner.

Mr. Gautam Dutt, Advocate
for U.T. Chandigarh,

Mr. Roopak Bansal, Advocate
for the complainant.

ANITA CHAUDHRY, J.

Through this petition, the petitioner is seeking regular bail in FIR No. 486 dated 26.11.2014, registered under Sections 420, 376 IPC, Police Station Sector-39, Chandigarh.

Heard.

The allegations made in the complaint are that the petitioner had entered into a relationship with the complainant and they got married. He had told the complainant that he was divorcee. A child was born to them. Later on, differences arose and a complaint was given to the police. The petitioner also denied fathering the child. DNA test was conducted and report has been received.

Counsel for the petitioner contends that an inquiry was held and the complaint was found to be false. He refers to the inquiry report available at page no.23 and to the concluding paragraph at page no.24 and the findings by the Inquiry Officer. He urges that despite this report, the police had filed the challan. The petitioner is in custody since 13.12.2014. The counsel urges that the complainant knew that the petitioner was married and false allegations have been made in the FIR.

The State as well as the complainant side has opposed the bail petition. It has been urged that the petitioner had denied paternity and DNA test was done and report has come against the petitioner. The State counsel submits that the petitioner had fled from custody on the way to the Court and another FIR was registered against him and the police official. He states that the trial was held up on account of the fault of the petitioner and out of 11 witnesses, 7 witnesses have already been examined and on the last date adjournment was sought on behalf of the petitioner, therefore, the witnesses could not be examined.

The inquiry report referred to by the petitioner refers to the statement made by the first wife of the petitioner and a Head Constable. Counsel for the complainant had pointed out that the Inquiry Officer was asked to make available the copy of the complaint and other proceedings, those could not be made available and there is a reference to it at page no.24 of the report.

The petitioner had fled from custody. Later on he was arrested. Another FIR had been registered against him. The trial was held up for this reason. Only four witnesses remain to be examined. Adjournment was sought on behalf of the petitioner on the last date of hearing.

Considering the entire facts and the allegations, no case for bail is made out. Even otherwise, the trial is coming to a close.

(ANITA CHAUDHRY)
JUDGE

06.10.2015

sunil