

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

CRM-M No. 36055 of 2014 (O&M)

Date of decision: 15.05.2015

Sukhwinder Singh

..... Petitioner.

Versus

State of Punjab

..... Respondent.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:- Mr. Bikramjit Aroura, Advocate, for the petitioner.

Mr. K.S. Pannu, DAG, Punjab, for the respondent.

Ms. G.K. Mann, Advocate, for the complainant.

NAVITA SINGH, J. (ORAL)

It is submitted by counsel for the petitioner that the petitioner has joined investigation. This fact is affirmed by the other side, i.e. the State.

Counsel for the petitioner submits that the mother of the petitioner, after the marriage of the petitioner with complainant – Kulwinder Kaur on 29.07.2009, had made a Will in favour of the complainant. Also, then three acres of land was transferred in the name of the complainant by the petitioner and his family on 19.07.2010 as is mentioned in the FIR itself.

Certain land was transferred on 05.10.2009 by the petitioner in favour of his son from his first wife Parveen Kaur.

The petitioner had represented to the complainant that he had obtained a divorce decree from Parveen Kaur, but the divorce decree was an eye-wash because actually Parveen Kaur and her children were living with

the petitioner.

Counsel for the petitioner submitted that the complainant entered into an agreement to sell the land which was standing in her name on 01.06.2012 and obtained Rs.15,00,000/- as earnest money. Before that, daughter of the petitioner from the first wife had filed a civil suit challenging the transfer made in the name of the complainant. The complainant filed written statement in which she mentioned that the family of the petitioner including Parveen Kaur had deceived her and Parveen Kaur was still maintaining her relations with the present petitioner. She also mentioned that the whole family connived against her to deceive her.

Counsel for the petitioner submitted that nothing was mentioned in the written statement by the complainant that she was being harassed by the petitioner and his family as was alleged in the FIR.

It is further submitted by the counsel for the petitioner that then the complainant mentioned in the FIR that she was residing with her parents since 11.02.2011 and the FIR having been filed on 01.02.2014 was, therefore, based on false averments.

Counsel for the complainant, however, showed copy of the transfer-deed vide which the petitioner had transferred land in favour of his son from the first wife and in that document, which was executed on 05.10.2010, he had mentioned that Parveen Kaur was his wife and Yuvraj Singh and Arasdeep Kaur were his children. Nothing was mentioned about Parveen Kaur being his former wife.

Counsel for the complainant further submitted that Parveen Kaur and the children from the first marriage were living with the petitioner

as would also be seen from Annexure P-3, which is copy of the plaint in the suit filed by the daughter of the petitioner where she gave her address, which was same as that of the petitioner.

Regarding the delay in lodging the FIR, it is submitted that panchayats were going on and some settlement was made and for that reason the FIR was not filed earlier. There is a mention in the FIR that Onkar Singh and Babbu were also present in the panchayat showing that some panchayats were held.

Parveen Kaur posed as sister of the petitioner while settling the marriage of the latter with the complainant which also shows that the intention of the petitioner was far from honest.

The prospective buyer to whom the complainant has agreed to sell the land is also pressing for returning the money on account of civil suit filed by the daughter of the petitioner.

From the material on record, it appears that the petitioner is still residing with his previous wife Parveen Kaur and his children and there is no reason to disbelieve the allegations of the present complainant at this stage. Though no recovery is to be made from the petitioner, yet it is felt in the given facts and circumstances that the petitioner is not entitled to the relief of anticipatory bail which should be given sparingly.

Dismissed.

(NAVITA SINGH)
JUDGE

15.05.2015
Ramesh