

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-38079 of 2015 (O&M)

Date of decision: 02nd December, 2015

Lakhminder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Hitesh Kaplish, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab,
for the respondent(s)-State.

Mr. Salil Bali, Advocate, for the complainant.

INDERJIT SINGH, J.

Petitioner has preferred the instant petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No.166 dated 15.10.2015, registered at Police Station Moga, District Moga, under Sections 420, 376, 506, 120-B IPC.

Notice of motion was issued.

Learned State counsel as well as learned counsel for complainant have appeared and contested the instant petition.

I have heard learned counsel for the petitioner, learned State counsel as well as learned counsel for the complainant and have gone through the record.

From the record, this Court finds that the FIR has been got registered by prosecutrix by stating herself as wife of petitioner Lakhminder Singh. She alleged that firstly she was married with Tarsem Singh in the year 1997 and out of the said marriage, two

sons and one daughter were born. Tarsem Singh died on 10.06.2006. It is also stated that after this, the petitioner with the consent of first mother-in-law of the prosecutrix and with the assurance that he will take care of her kids as a father, got married with her on 10.06.2010. The allegations regarding maltreatment etc. by the petitioner and his mother have been alleged in the FIR. The petitioner refused to live with the prosecutrix and threatened her that he will get married somewhere else. The prosecutrix also alleged that she refused to transfer her house, which she got from her ex-husband Tarsem Singh, in the name of the petitioner. The petitioner used to forcibly maltreat and physically abuse the prosecutrix. Now petitioner Lakhwinder Singh has got remarried and refused to identify the prosecutrix as his wife and he has played with her and it will be difficult for her to live in the society.

At the time of arguments, learned counsel for the petitioner denied any marriage of the petitioner with the prosecutrix.

Keeping in view the allegations levelled by the prosecutrix against the petitioner, which are serious in nature and the fact that custodial interrogation of the petitioner is required, I do not find any ground to grant the benefit of anticipatory bail to the petitioner.

Therefore, finding no merit in the instant petition, the same is dismissed.

02nd December, 2015
mamta

(INDERJIT SINGH)
JUDGE