

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.

CRM M-43922 of 2014

Date of Decision: November 9, 2015

Prince Rangra

.....Petitioner

Vs.

State of Punjab

.....Respondent

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

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Present:- Mr. K.S. Dadwal, Advocate  
for the petitioner.

Mr. Gazi Mohammad, DAG, Punjab.

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**M.M.S. BEDI, J.**

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of pre-arrest bail in a case registered at the instance of Meenakshi alleging that she was married to the petitioner on January 30, 2013 and that he alongwith his family members used to torture and harass the complainant on account of having brought insufficient dowry. While she was on family way, she was sent to the parental home and the petitioner performed second marriage without divorcing the complainant.

Counsel for the petitioner has vehemently contended that the complainant had signed an agreement in which she had decided to part ways on receipt of a sum of Rs.3 lacs from the petitioner. Copy of the agreement dated October 14, 2013 has been placed on record. The petitioner has vehemently contended that the agreement dated October 14, 2013 which has been executed as per custom has not been taken into consideration by police while registering the FIR. It was urged that in view of the prevailing custom in Jalandhar District and its adjoining District i.e. Hoshiarpur, the marriage between the petitioner and the complainant was broken on payment of sum of Rs.3 lacs. For supporting the said custom, reliance has been placed on **Jasbir Singh Vs. Inderjit Kaur**, 2003 3) RCR (Civil) 503, wherein customary divorce was recognized. He has also relied upon **Gurdit Singh Vs. Mst. Angrez Kaur and others**, AIR 1968 SC 142, wherein dissolution of marriage by custom was held to be valid. On the basis of said judgments, it has been argued by counsel for the petitioner that the marriage having been dissolved, the allegations of misappropriation and cruelty are baseless.

Complainant herself had put in appearance in the Court on January 23, 2015 and urged that she has not put her signatures on the agreement relied upon by the petitioner. The original agreement of compromise was also placed on record.

The report of hand-writing expert had been called for. Report has been received to the effect that it is not possible to express any opinion on the common authorship or otherwise of the signatures of the complainant

on the power of attorney and the document for want of suitable and sufficient specimen signatures alongwith more admitted signatures of Meenakshi Sharma.

I have considered the contention of learned counsel for the petitioner as well as counsel for the respondent and taken into consideration the report. On account of uncertain report, this Court is of the opinion that neither the report is relevant for determining the prima facie culpability of the petitioner nor the said document is sufficient enough to absolve the petitioner. The fact that the parties had married each other is an admitted fact. The factum of marriage is admitted but the facts whether the first marriage had ceased to exist and the petitioner has married Raman Sharma on October 31, 2013 or his alleged third marriage with Harjinder Kaur are valid or invalid are not required to be determined at this stage but the fact remains that a married wife has been compelled to leave the matrimonial home by the act of the petitioner. Once wife claims that she is still the wife and has been turned out of the house by retaining her istri dhan, the cruelty is prima facie apparent. The circumstances of the case may warrant the grant of regular bail to the petitioner but no extraordinary exceptional circumstances exist to grant the concession of pre-arrest bail to the petitioner.

The petition is dismissed. However, nothing said in this order will prejudice the rights of the petitioner to seek concession of regular bail.

November 9, 2015  
sanjay

(M.M.S.BEDI)  
JUDGE