

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

CRL. MISC. No.M-5905 OF 2015
DATE OF DECISION : 28th MAY, 2015

Navdeep Singh

.... Petitioner

Versus

Union Territory of Chandigarh

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

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Present : Mr.S.P.S. Sidhu, Advocate for
Mr. Amitoj Singh Dhaliwal, Advocate for the petitioner.

Mr. A. S. Sullar, Additional Public Prosecutor, for Union
Territory, Chandigarh.

Mr. Navdeep K. Dhot, Advocate for the complainant.

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SURINDER GUPTA, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.398 dated 26.12.2014 registered at Police Station Sector-31, Chandigarh for offence punishable under Sections 406, 420, 495 and 498-A IPC.

Heard.

Learned counsel for the petitioner submits that it was a second marriage of the complainant Amandeep Kaur with petitioner which took place on 16.11.2012. The complainant was also the attorney of the petitioner and without his knowledge and permission she sold the entire property. This led to dispute and she got filed the present FIR.

Learned State counsel submits that the police has still to recover the dowry articles and only five suits and suitcase have been recovered so far. No gold articles have been recovered.

Learned counsel appearing for the complainant argues that the petitioner has performed marriage with complainant during the subsistence of his first marriage with Prabhjeet Kaur, which was never dissolved. A divorce petition bearing No.HMA No.81 of 2012 was filed in the Court of District Judge, Moga on 01.06.2012 but the same was later on withdrawn. This fact was concealed from the complainant. The petitioner is living with his first wife, who has also got prepared her Adhar Card as wife of petitioner and at the address of the petitioner.

About the marriage of petitioner with Prabhjeet Kaur learned counsel for the petitioner submits that it was not a marriage but only a 'roka' (engagement) ceremony. However, the perusal of the copy of the divorce petition placed on record by the learned counsel for the complainant, shows that the petitioner has alleged in the petition that he married Prabhjeet Kaur on 02.12.2006 i.e. about six years prior to his marriage with complainant. There is clear averments regarding their marriage, living together as husband and wife and the dispute and strained relations that pursued later. Regarding the Adhar Card, which Prabhjeet Kaur got prepared, an affidavit has been placed on file by the petitioner wherein Prabhjeet Kaur has averred that she has mentioned the name of petitioner under the impression that she has to mention the name of

petitioner in the Adhar Card instead of her father's name and it was a mere mistake.

Though the petitioner has tried to explain his marriage with Prabhjeet Kaur but the documentary evidence clearly clinch the issue that he is already married with Prabhjeet Kaur. A person who has contacted second marriage during the subsistence of his first marriage and make such submissions as are evident in this petition to conceal the first marriage and to furnish false explanations regarding the documentary evidence against him, do not deserve the discretionary relief of this Court.

I find no reason to invoke inherent power of this Court to allow him anticipatory bail. This petition has no merit.

Dismissed.

28th May, 2015
'raj'

(SURINDER GUPTA)
JUDGE