

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

**Crl. Misc. No.M- 21913 of 2016
Date of decision : 25.10.2016**

Nitin

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. S.P.S. Tinna, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

Mr. Damandeep Singh, Advocate
for the complainant.

ANITA CHAUDHRY, J.

The petitioner is seeking anticipatory bail in FIR No.326 dated 09.05.2016, registered under Sections 323, 354-A (1), 377, 406, 498-A, 494, 506 IPC, Police Station City Sirsa, District Sirsa.

The petitioner is the un-married brother-in-law of the complainant. A complaint has been lodged by the petitioner's elder brother's wife. Manish was earlier married. The complainant has made allegations that she came to know of the first marriage and the first marriage had not been dissolved. There are allegations of cruelty, harassment and beatings and under Sections 377, 494, 506 IPC besides other Sections.

The petitioner was asked to join the investigation but when the complainant had appeared, it had been disclosed that the brother of the petitioner had not surrendered and the mother-in-law's bail application had been dismissed and recovery had not been effected and some gold ornaments were also given to the petitioner.

The State counsel has placed on record the orders passed by the Supreme Court as well as the order passed by this Court dated 12.08.2016, vide which the bail application of the mother-in-law was dismissed.

Counsel for the petitioner contends that the petitioner was a minor at the time of the first marriage of his brother and the first marriage was dissolved through the Panchayat and it was a love marriage and the complainant came in contact with Manish through Facebook and it was a simple marriage and the complainant knew about the first marriage of the brother.

The counsel appearing for the complainant states that the couple had met through the internet but it was arranged marriage and there are photographs to show that dowry had been given and gold items have been given. The counsel further states that it is a case which would attract Section 375(4) IPC and the petitioner was also aware of the earlier marriage and he had attended the marriage of the brother and they are not co-operating and the mother is on the run despite the fact that she had been asked to surrender by the Apex Court. It was urged that the anticipatory bail application of the husband had been dismissed and he has not surrendered yet. Reliance was placed upon ***Ashok and another Vs. State of Haryana 2016(3) RCR (Criminal) 764.***

Counsel for the petitioner says that the brother of the petitioner had filed an application for anticipatory bail in the High Court but there were objections which were not removed.

There are photographs which are available with the complainant to show that the family including the petitioner had participated in the second marriage. They fully knew that their son was earlier married and there was no divorce. The case had been adjourned 2 – 3 times to enable the petitioner to get the recovery effected as the son and his mother are on the run. No recovery has been effected. The petitioner is not co-operating. Considering the allegations, no case for anticipatory bail is made out.

The petition is dismissed.

25.10.2016
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No