

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-22529 of 2016(O&M)

Date of decision : 29.08.2016

Jatinder Singh @ Jaji

... Petitioner

versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. D.K. Bhatti, Advocate for the petitioner

Mr. V.P.S. Sidhu, AAG Punjab

Mr. B.S. Sewak, Advocate for the complainant

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 86 dated 30.04.2016 registered at Police Station City Tarn Taran, District Tarn Taran under Sections 365/366/120-B IPC.

Heard. This petition came up for hearing on 08.07.2016. Learned counsel for the petitioner had stated that the girl had appeared in the Delhi Court and had made a statement. On oral request the petitioner was permitted to implead the complainant as party-respondent and notice of motion was issued for 14.07.2016. On the said date, on request of the petitioner's counsel the matter was adjourned for 27.07.2016. On 27.07.2016, counsel for the petitioner had stated that the girl had made a statement also in the Court having jurisdiction. The State had sought time to verify the fact as they had no notice of it. On the adjourned hearing the complainant side had informed that the petitioner was earlier married to Prabhjot Kaur and had taken divorce and then performed marriage with Harpreet Kaur and had two children. Counsel for the petitioner contended that he was not aware of the fact. He had sought time to place documents on record.

On the last date of hearing there was a request for adjournment. Last opportunity was granted to make submissions.

Learned counsel for the petitioner vehemently urges that the girl is major and had gone on her own and there is no question of kidnapping. He further states that the petitioner and the girl had approached the Delhi Court and statement of the girl was recorded under Section 164 Cr.P.C. and thereafter they had moved an application before the Magistrate having jurisdiction and the application is Annexure P-5 and the girl had made statement in favour of the petitioner and it is not a case of kidnapping. He further states that a petition for divorce had been filed by

the petitioner after lodging of the FIR. A copy of the petition has been placed on record.

The last page of the petition has not been placed on record to show the date of actual filing.

Learned counsel for the petitioner states that the petition for divorce was filed in August 2016.

Learned counsel for the complainant states that they have got an affidavit from Harpreet Kaur - the second wife of Jatinder Singh is in Canada and marriage has not been dissolved. He states that the affidavit was received through net and the petitioner had made a statement to media which was reported in the newspaper on 10.05.2016 where they had stated that they had got married but there could be no marriage as second marriage had not been dissolved and probably the girl was not aware that he was married and no bail should be allowed as it would demolish the fabric of the Society and an innocent life has been destroyed. He further states that brother of the petitioner is a Constable and he had threatened the complainant side after he had got anticipatory bail.

Learned State counsel submits that they had no notice of the application filed before the Magistrate and the Court on its own had recorded the statement.

The petitioner is a married man. He took a divorce from first wife and married Harpreet Kaur. The marriage took place in Canada. His wife also lives in Canada. A divorce petition has now been filed in August 2016 in the Courts in SBS Nagar after lodging of the FIR.

The police has not been able to recover the girl. Considering the circumstances, no case for anticipatory bail is made out.

The petition is dismissed.

August 29, 2016
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(ANITA CHAUDHRY)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No