

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

**Crl. Misc. No.M-26557 of 2016 (O&M)
Date of decision : 19.08.2016**

Amit Kumar Kamal

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. A.S. Ahluwalia, Advocate
for the petitioner.

Mr. K.S. Aulakh, AAG, Punjab.

Mr. Deepinder Brar, Advocate
for the complainant.

ANITA CHAUDHRY, J.

CRM No.25281 of 2016

For the reasons set out in the application, same is allowed as prayed for and accompanying documents are allowed to be taken on record.

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The petitioner is seeking anticipatory bail in FIR No.32 dated 30.06.2016, registered under Sections 376, 493 IPC, Police Station Women Cell, District Bathinda.

Counsel for the petitioner states that a complaint was given by the wife and their marriage took place in 2012 and they have placed on record the application filed under Section 9 of the Hindu Marriage Act and the application filed subsequently. Counsel also states that he had shown his status 'as married' in the revised declaration form.

The complainant side has appeared and the bail application is opposed by the complainant and also by the State. Counsel for the complainant has urged that no marriage ceremony had taken place and the petitioner has promised marriage and had taken the complainant to the Court on the pretext that the marriage was to be performed and the statement of the complainant was recorded in Punjabi and the complainant does not understand the language and all these documents have been created. It was urged that a complaint was given to the DSP in April, 2016 and the petitioner had promised to marry the complainant and thereafter, to wriggle out of the promise made and to create evidence he had filed a petition under Section 9 of the Hindu Marriage Act but thereafter, had withdrawn it and the complainant had made a statement on the undertaking given that he would marry her.

All the documents filed along with the application have been prepared after the registration of the FIR. These are the documents which have been created on the basis of information supplied by the petitioner to his Department. The revised form was submitted in June, 2016 wherein his marital status is shown as married and the name of his spouse is not mentioned and the nominee remains the mother. The information given to the medical insurance company is for inclusion of the name of the wife. That

information was also given in May, 2016. The petitioner could not place on record any document to show that they had got married in 2012. No case for anticipatory bail is made out.

The petition is dismissed.

19.08.2016

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No