

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

CRM-M No.25781 of 2014

Decided on: 11.01.2016

Vijay Bansal . . . Petitioner

Versus

State of Punjab . . . Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Kshitij Sharma, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Addl. Advocate General, Punjab.

Mr. Mrigank Sharma, Advocate
for the complainant.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking the benefit of regular bail to the petitioner, pending trial, in case FIR No.138 dated 18.05.2014, under Sections 420, 493, 495 IPC, registered at Police Station Chheharta, Amritsar.

Counsel for the parties have been heard.

Suffice, it is notice that the FIR was registered on the complaint of Sonia and the allegations against the present petitioner are with regard to having cheated and trapped her in

matrimony inspite of the previous marriage of the petitioner having not been dissolved as per law.

Counsel for the petitioner would, however, join issue and would contend that at the date and point of marriage with the complainant i.e. on 26.01.2014, a document labeled as deed of divorce had been produced and shown and she had affixed signatures thereupon in token of its knowledge. Such document titled as deed of divorce was in fact taken from the previous wife stating that both husband and wife had amicably decided to part ways.

Counsel for the petitioner, however, very fairly, conceded during the course of arguments today that such document can never be considered as a valid decree of divorce and cannot be recognized in the eyes of law.

The present petition had come up for initial hearing on 07.08.2014 and the petitioner had been directed to deposit a sum of Rs.1 lac before the Registry and subject to such deposit, the petitioner had been granted the benefit of bail till next date of hearing.

Undisputedly, such benefit has been extended from day to day and matter has also been referred to the Mediation and Conciliation Centre to thrash out the possibility of any settlement. The conciliation proceedings have unfortunately not been fruitful and the matter has been referred back to this Court.

The petitioner has spent approximately one month in custody.

Investigation having been completed, challan has been presented and charges stand framed on 04.08.2015. The trial, as such, would take time to conclude.

In the totality of circumstances and keeping in view the position as regards trial being still at the very initial stage, petitioner is held entitled to the concession of bail.

Such indulgence is being shown to the petitioner in view of the fact that the amount of Rs.1 lac that had been deposited by the petitioner in pursuance to the order dated 07.08.2014, passed by this Court would now be released in favour of the complainant upon requisite application being filed to the Registry. The release of such amount in favour of the complainant would provide some succour in the situation and circumstances that she has been placed.

Petition is allowed.

Order dated 07.08.2014, passed by this Court, is made absolute.

It is, however, clarified that the above observations are confined only as regard consideration of prayer for grant of bail and would have no bearing on the merits of the case.

[TEJINDER SINGH DHINDSA]
JUDGE

11.01.2016
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