

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-40835 of 2016
Date of Decision: 21.12.2016**

Bharat Masih @ Kamal

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ajay Saini, Advocate
for the petitioner.

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

Mr. Amandeep Singh, Advocate
for respondent No. 2.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking regular bail in FIR No. 86 dated 26.5.2016 registered at Police Station City Moga, District Moga under Sections 420, 406, 494, 376 IPC.

Petitioner is in custody since 30.5.2016. Challan has been submitted but the case has not been committed yet.

As per the allegations the petitioner was married to Arshdeep Kaur and without taking a divorce he is said to have performed a *chunni charawa* ceremony with the prosecutrix and had established relations. The complainant came to know of the previous marriage and has lodged the FIR. Her statement under Section 164 Cr.P.C. was recorded where she had given a detailed statement against the petitioner.

Counsel for the petitioner contends that the complainant has given an affidavit in his favour and refers to Annexure P-1 and urges that

the complainant knew of the previous marriage.

The authenticity of the affidavit is not to be gone into. The allegations are serious. The petitioner is accused of cheating the prosecutrix and performing some ceremony and had established relations. The complainant had accused the petitioner of rape. The trail is yet to begin. The statement of the victim is yet to be recorded.

No case for bail is made out.

The petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

December 21, 2016

Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No