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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1974/2016**

JITENDER SHARMA

..... Petitioner

Through: Mr. Sarvendra Singh & Mr. Akhand
Pratap Singh, Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Ashish Dutta, APP along with SI
Satish Chandra, PS-Pul Prahladpur,
for the State.
Mr. M.K. Srivastava, Advocate for
and along with the complainant in
person.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
26.09.2016

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Crl.M.A. No. 15060/2016

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 1974/2016

Issue notice. Mr. Dutta accepts notice on behalf of the State. The complainant is present with her counsel. She accepts notice.

I have heard learned counsel for the petitioner as well as learned APP and the learned counsel for the complainant.

The petitioner has preferred the present petition under Section 438 Cr.P.C. apprehending arrest in case FIR No.171/2016 under Section 498A/

495/ 406/ 420/ 506/ 34 IPC registered at Police Station – Pul Prahladpur.

The submission of learned counsel for the petitioner is that the petitioner and the complainant got married on 14.10.2006. Out of the said wedlock two children have been born. Learned counsel submits that the complainant was aware of the fact that the petitioner was having a live-in relationship with one lady Vinita Sharma and one child was born out of the said relationship. The submission of learned counsel for the petitioner is that the petitioner was never married to Vinita Sharma. Learned counsel further submits that the petitioner is ready and willing to proceed for mediation straightaway and to arrive at settlement with the complainant. The submission is that there was no issue in the relationship between the petitioner and the complainant and there is no reason for preferring the FIR in question.

On the other hand, the submission of learned APP and learned counsel for the complainant is that the petitioner deliberately suppressed the fact that he was married to Vinita Sharma at the time when he got married to the complainant.

The complainant, who is present in Court has also claimed that she was absolutely unaware of the fact that the petitioner was married to Vinita Sharma. In fact, it was informed to the complainant that the petitioner had lost his entire family in the 1984 riots in Delhi. However, after the marriage the family of the petitioner had surfaced.

Learned counsel for the complainant has tendered in Court a certified copy of the affidavit by way of evidence of Vinita Sharma in HMA No.617/2014, the divorce petition filed by Vinita Sharma against the petitioner under Section 13(1)(ib) of the Hindu Marriage Act. Along with

the said affidavit, several documents, which is the marriage certificate dated 08.01.2002, photograph showing the petitioner garlanding Vinita Sharma, birth certificate of the child born out of the relationship between the petitioner and Vinita Sharma, have also been filed.

Prima-facie, the claim of the petitioner that he was not married to Vinita Sharma appears to be incorrect and is not believable. Even according to the petitioner, he has worked as PA with several Members of Parliament. According to the complainant, he used his influence on the police to prevent taking any action against him. The complaint was made on 21.09.2015 and the FIR came to be registered only on 10.06.2016. Even though his anticipatory bail application was dismissed by the Trial Court on 23.07.2016, the petitioner has not been arrested till date. It appears that the petitioner does not need any protection since he is already using his influence to evade the law.

In view of the aforesaid, I am of the view that the petitioner is not entitled to any protection against arrest in the aforesaid case. The custodial interrogation of the petitioner will be required to unearth the truth with regard to his relationship with Vinita Sharma and with the other ladies, as claimed by the complainant.

Accordingly, the petition is dismissed and the petitioner is directed to surrender forthwith.

VIPIN SANGHI, J

SEPTEMBER 26, 2016

B.S. Rohella