

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

**Crl. Misc. No. M-28765 of 2016
Date of Decision : April 20, 2017**

Karamvir Kaur..... Petitioner

VERSUS

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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Present: Mr. J.S.Sandhu, Advocate
for the petitioner.

Mr. Deep Singh, AAG, Punjab,
for the State/respondent.

Mr. Deepak Aggarwal, Advocate
for the complainant.

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LISA GILL, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in FIR No. 109 dated 26.7.2016 under Sections 498-A, 494, 406, 420 and 120B IPC registered at Police Station Dayalpura District Bathinda, Punjab.

As per the prosecution case the present petitioner is admittedly the second wife of the complainant's husband.

Learned counsel for the petitioner submits that in reality it is the petitioner who is the victim in the entire affair. The complainant's husband fraudulently solemnized marriage with the petitioner without disclosing that he was earlier married and his first marriage had not been dissolved. There is no question of any demand of dowry on the part of the

present petitioner or causing any harassment or torture to the complainant. Section 494 IPC is a bailable offence. It is further submitted that the petitioner has joined investigation pursuant to order dated 29.09.2016 passed by this Court. Therefore, this petition be allowed.

Learned counsel for the complainant has opposed this petition while submitting that the petitioner was aware of the first marriage of the complainant's husband. She being aware of the subsistence of his first marriage still went ahead and married him. It is further submitted that the petitioner in an illegal manner even filed a petition under Section 9 of the Hindu Marriage Act against the complainant's husband which was later withdrawn by her.

Learned counsel for the State, on instructions from ASI Baljit Pal, verifies that the petitioner has indeed joined investigation pursuant to order dated 29.09.2016 passed by this Court. It is further submitted that her custodial interrogation is not required in this case.

There is no allegation that the petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts before the learned trial Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting on the merits of the case, it is considered just and expedient to allow this petition. Consequently, order dated 29.09.2016 is made absolute.

20.4.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No