

Criminal Misc. M- No. 2867 of 2017 (O&M)

Date of decision : August 18, 2017

Uneesh Sehgal

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Jaideep Verma, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. J.S. Mehndiratta, Advocate
for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.0156 dated 27.12.2016 registered under Sections 406, 498A IPC at Women Police Station, Ludhiana.

It is contended that the complainant, in this case, was earlier married in Jaunary, 2007 to one Surinder Singh son of Balbir Singh. The complainant left the matrimonial home on 26.05.2016. The factum of earlier marriage of the complainant came to notice of the petitioner thereafter and he filed petition under Section 11 of Hindu Marriage Act, 1955 on 17.08.2017 (Annexure P-4). A complaint under Sections 406, 420, 379 IPC read with Section 120B IPC was also filed by the petitioner as she had left the matrimonial home on 26.05.2016 alongwith certain valuables. Thus, no offence punishable under Section 498A, 406 IPC is made out against the present petitioner. It is further stated that the petitioner has joined investigation and articles of the complainant still lying with the petitioner

were returned, however, the complainant refused to identify or accept them. Reference is made to Annexure P-5. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant argues that the complaint against the accused was submitted on 29.07.2016 though the FIR on its basis was registered later on 29.12.2016. In the interregnum the petitioner filed the said complaint (Annexure P-3) and the petition under Section 11 of the Hindu Marriage Act, 1955 (Annexure P-4).

However, the factum of earlier marriage of the complainant in 2007 is not disputed though it is sought to be explained that a panchayati divorce was obtained and the petitioner was aware of these facts at the time of solemnisation of their marriage.

Learned counsel for the State, on instructions from ASI Satnam Singh, verifies that the petitioner has joined investigation though it is submitted that certain gold articles and other articles are yet to be recovered. However, learned counsel for the petitioner relies on a decision of this Court in **Prit Pal Singh versus State of Punjab and another 2014 (5) RCR (Criminal) 771** to urge that the concession of anticipatory bail should not be denied merely on the ground of certain recoveries to be effected.

It is to be noted that during the pendency of this petition effort was made to amicably resolve the dispute between the parties, however, mediation failed.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. It is verified by learned counsel for the State that the petitioner is not involved

in any other case. No useful purpose shall be served by taking the petitioner in custody.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, order dated 13.02.2017 is made absolute.

August 18, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No