

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

CRM-M-15266-2017

Decided on: 09.02.2018

Sube Singh

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana.

Mr. J.S. Chahal, Advocate,
for the complainant.

LISA GILL, J (ORAL)

The petitioner seeks the concession of anticipatory bail in FIR No.56 dated 31.03.2017 under Sections 498-A, 376-B & 506 IPC & (Section 377 IPC added later on) registered at Police Station Bilaspur, District Yamuna Nagar.

It is submitted that marriage between the petitioner and the complainant was solemnized on 12.11.2008. It was the second marriage of both the parties. The petitioner's first wife had passed away and he has two children from the first marriage. The complainant had sought divorce from her first husband after one year of marriage and thereafter solemnized marriage with the petitioner.

It is further submitted that one of the grievances raised by the complainant in the FIR is that their marriage was not registered by the petitioner. The petitioner even as on date is ready and willing to have the marriage registered and has always treated the complainant as his wife and has afforded due respect and regard to her. The petitioner never raised any

such protest since their marriage in the year 2008 till the submission of her application dated 26.09.2016 on the basis of which the above said FIR was registered. It is thus prayed that this petition be allowed.

The petitioner and the complainant duly identified by their counsel are present in Court. The matter was placed before the Mediation and Conciliation Centre of this Court, but mediation was unsuccessful. It is stated that even as on date, the petitioner is ready and willing to resume matrimonial ties with the complainant. However, the complainant has refused to resume matrimonial ties due to the unsavoury atmosphere created by the petitioner.

Learned counsel for the State, on instructions from ASI Jagjit Singh, verifies that the petitioner has joined investigation and is not involved in any other criminal case. There are no allegation on behalf of the State that he is likely to abscond. No useful purpose shall be served by taking the petitioner in custody.

Keeping in view the facts and circumstances of the case but without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition. Consequently, order dated 03.05.2017 is made absolute.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

(LISA GILL)
JUDGE

09.02.2018

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No