

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

CRM-M-17819 of 2018 (O&M)

Date of Decision: 12.11.2018

Surjit Singh @ Jaga and another

....Petitioners

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.K. Arya, Advocate
for the petitioners.
Ms. Rajni Gupta, Sr. DAG, Punjab.
Mr. Karanjit Singh, Advocate for the complainant.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners herein in FIR No.10 dated 21.01.2018 registered under Sections 363, 366-A, 120-B of the Indian Penal Code at Police Station Ajnala, District Amritsar (Rural).

Mr. R.K. Arya, learned counsel for the petitioner contends that the allegations as set out in the FIR are patently false since petitioner No.1 and the daughter of the complainant had solemnized marriage and have approached this Court thereafter seeking protection of their life and liberty by filing CRM-M-2850-2018 titled as Sarabjit Kaur and another Vs. State of Punjab and others in which vide order dated 23.01.2018 protection was allowed to them by this Court. It is also contended that the daughter of the complainant being a major as per her Aadhar card, is continuing to reside with her husband-petitioner No.1 herein and therefore, the petitioners are

entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of the respondent-State and the complainant aver that a fraud has been played upon the Court, by stating that the daughter of the complainant is a major, while also stating that the petitioner No.1 herein had already solemnized marriage with one Paramjit Kaur and as on date has not got divorce from her. It is further contended that the daughter of the complainant is a minor and her date of birth is 05.01.2003. It is also argued that the consent of the minor would have no relevance in the instant case, while also submitting that with the subsistence of the earlier marriage any marriage that has been conducted thereafter is null and void and therefore, the petitioners are not entitled for grant of any bail.

I have heard learned counsel for the parties and have also perused the order dated 23.01.2018 passed in CRM-M-2850 of 2018. The Coordinate Bench directed that the life and liberty of the petitioners in that petition, be protected at the hands of the complainant and the family members. However, an observation was also made by the Court that there was no legal impediment to proceed further against petitioner No.2 in the present petition in FIR No.10 dated 21.01.2018.

In view of the fact that the petitioner No.1 herein has contracted a so-called marriage with the minor daughter of the complainant and that too during the subsistence of his first marriage with Paramjit Kaur, this Court is not inclined to interfere. As far as petitioner No.2 is concerned, he has joined the investigation and the interim bail allowed to him stands confirmed.

Petition qua petitioner No.1-Surjit Singh alias Jagga stands dismissed and order dated 30.04.2018 granting interim bail to petitioner No.2 -Malkiat Singh is made absolute and petition qua him stands allowed.

November 12, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No