

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-2280 of 2018

Date of Decision: 25.1.2018

Kunal Loomba

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ranjit Saini, Advocate for
Mr. Arun Gupta, Advocate
for the petitioner.

Mr. Rajbirinder S. Chahal, Addl. A.G., Punjab.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 268 dated 4.12.2017 registered at Police Station Division No. 4, Ludhiana under Sections 376-B IPC and later on added Section 376 IPC.

A complaint was lodged by the wife wherein it was disclosed that the parties were married in 2007 and they obtained mutual divorce in August 2017. The petitioner left for England in November 2017 and on his return, he came and started living with the complainant and the children and admitted that he had made a mistake and promised to get re-married for the sake of children and promised to take the complainant abroad. The complainant suspected his intention that he would cheat her and she spoke to her parents upon which the petitioner got angry and he is stated to have beaten her. The allegations are that despite the divorce, the petitioner had relations with her. The police registered the FIR under Section 376-B. As the offence was bailable, bail was allowed. Subsequently, the police had

added Section 376 IPC and the petitioner was arrested.

Counsel for the petitioner contends that the divorce was sham and it was obtained so that the parties could settle abroad and the petitioner had taken an insurance policy in which he had nominated his wife and children after filing of petition under Section 13-B of the Hindu Marriage Act and copy has been placed on record. It was urged that the photographs on the Facebook account of the complainant would show that they were together even at the time of separation and they have a joint account and the complainant had been withdrawing cash from his account and the petitioner is in India and does not propose to go abroad and the trial would take time.

The police had initially filed challan under Section 376-B IPC. Later on they added Section 376 IPC and the petitioner was arrested. The trial will take time.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing local surety and adequate bonds to the satisfaction of the trial Court/Duty Magistrate on a condition that he would not leave the country without the permission of the trial Court.

(ANITA CHAUDHRY)
JUDGE

January 25, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No