

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-37376 of 2018

Date of Decision: 13.9.2018

Joginder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Mrigank Sharma, Advocate
for the complainant.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 54 dated 16.6.2018 registered at Police Station Bhindi Saidan, Amritsar under Sections 419, 420, 498, 313, 406, 494, 120-B IPC.

The case had been adjourned on the last date of hearing as the complainant side had stated that they had the photographs of the second marriage. It was also stated that the photographs had been handed over to the police but they refused to accept it. The complainant was asked to produce the photographs. No photographs have been produced today.

Counsel for the petitioner contends that the petitioner is in custody since 16.6.2018 and he is the father-in-law and the main allegations are against the son. Counsel further submits that the allegations are that the petitioner projected their son Pardeep as Sandeep and projected that they had immovable property but after one month the complainant came to know that it was Sandeep who owned land and not Pardeep. The counsel also

submits that the marriage had taken place in September 2016 while the FIR has been lodged in June 2018 and the husband had filed divorce petition in 2017. The counsel has also placed on record the petition filed under Section 24 of the Hindu Marriage Act and refers to para 4 of it and states that the complainant herself had pleaded that the husband owned 7 acres in one village and 12 acres in another village and earning Rs. One lac per month besides owning milch cattle and had additional income. The counsel further submits that in the reply filed by the wife to the petition filed under Section 13 of the Hindu Marriage Act, she had pleaded that she was ready to live with the husband and false allegations have been made.

Counsel for the complainant submits that the petitioner had got married and the proof had been handed over to the police.

State counsel submits that no document regarding second marriage had been handed over to the police.

The main allegations are against the husband who is in custody. The complainant side has been unable to show that the petitioner was present at the time of the second marriage. The trial will take time.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(ANITA CHAUDHRY)
JUDGE

September 13, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No