

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

Criminal Misc. No.M- 46293 of 2016(O&M)

Date of Decision: February 23 , 2018.

Gurmeet Singh PETITIONER (s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. N.S.Lucky, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. Piyush Sharma, Advocate
for the complainant/respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.42 dated 29.08.2016 under Sections 498A/313 IPC, registered at Police Station Khem Karan, District Tarn Taran.

It is submitted that the petitioner has been falsely implicated in this case. The complainant actively concealed the fact of her earlier marriage with one Shamsher Singh son of Gurmej Singh in the FIR. It was projected to the petitioner and his family that her first marriage stood dissolved by way of a

decree of divorce. It is further submitted that an extremely simple marriage was solemnized as it was the second marriage of both the petitioner as well as the complainant. On coming to know about the fact that a decree of divorce was never obtained by the complainant, the petitioner filed a petition under Section 13 of the Hindu Marriage Act, 1955. It is further submitted that the complainant left the matrimonial home at her own. She would make unjustified demands and would needlessly insult the petitioner, his family members and demand a separate residence. Learned counsel for the petitioner submits that the complainant had raised similar allegations of abortion against her first husband also. It is urged that the evidence on record does not point to abortion being carried out due to any physical abuse or ill-treatment. It is submitted that the petitioner has joined investigation and he undertakes to face the proceedings and not misuse the concession of anticipatory bail, if afforded to him. Therefore, it is prayed that this petition be allowed.

Learned counsel for the complainant while opposing this petition does not deny that a decree of divorce was not granted in favour of the complainant in respect to her first marriage when marriage was solemnized with the petitioner, though it is submitted that the same cannot absolve the petitioner.

It is noticed that none of the parties appeared to be interested in mediation as one or the other party did not appear before the Mediation and Conciliation Centre of this Court on various occasions and thereafter before this Court even when directed. The facts of the case do not call for the incarceration of the petitioner.

Learned counsel for the State, on instructions from HC Kulbir

Singh, verifies that the petitioner has joined investigation and is not involved in any other criminal case, though certain recoveries are yet to be effected.

It has been held in Prit Pal Singh v. State of Punjab and another, 2014 (5) RCR (Criminal) 771 to say that non-recovery of certain articles by itself cannot be a ground for not affording the concession of anticipatory bail to the petitioner.

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 before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 23.12.2016 is made absolute.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

February 23 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No