

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

**CRM No.M-47188 of 2017
Decided on: 09.01.2018**

Kamaljit Bansal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. R.S. Rai, Sr. Advocate
with Mr. Abhishek Bajaj, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Vishal Goel, Advocate
for the victim.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.207 dated 16.03.2017, for offence punishable under Sections 419, 420, 465, 468, 471 and 120-B of the Indian Penal Code (in short 'IPC') registered at Police Station City Sirsa, District Sirsa.

The anticipatory bail application filed by the petitioner vide CRM-M No.17279 of 2017 was dismissed on 12.07.2017.

Counsel for the petitioner has submitted that the petitioner has surrendered on 12.10.2017 and thereafter, the police has completed the investigation and submitted the report under Section 173 Cr.P.C. It is further submitted that the petitioner is no more required for any further custodial interrogation. It is also submitted by counsel for the petitioner that all the offences are triable by the Court of Magistrate and

it will take long time in conclusion of the trial as the prosecution evidence is yet to start.

As per the allegations in the FIR which was got registered by one Bakshish Singh, Advocate, he was informed that the petitioner has obtained a decree of divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act from the Court of Additional District Judge, Sirsa by impersonating some lady in place of his wife – Reema Rani. The complainant – Bakshish Singh, Advocate was a counsel in the said proceedings. It is further alleged in the FIR that when he met the abovesaid Reema Rani, he was surprised to find out that she is not the lady who had accompanied the petitioner – Kamaljit Bansal to his office and appeared in the Court for making the statement. It is, thus, alleged that by way of impersonation, the petitioner has obtained a decree of divorce against the victim – Reema Rani by producing some other lady posing herself as his wife.

Counsel for the State, on instructions from ASI Mahender Singh, has not disputed the factual position but opposed the prayer for bail.

On the other hand, counsel for the victim has also opposed the prayer for bail on the ground that the signatures of the victim namely Reema Rani, one Priyanka Aggarwal and the petitioner have been sent to the Forensic Science Laboratory, Madhuban for comparison and the report is still awaited.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial custody since 12.10.2017; the investigation has been completed and the report under

Section 173 Cr.P.C. has also been submitted on 05.12.2017; charges are yet to be framed against the petitioner; offences are triable by the Court of Magistrate; the prosecution evidence is yet to start and conclusion of the trial will take long time, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

09.01.2018
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No