

Criminal Misc. No. M- 48275 of 2017 (O&M)

Date of decision : January 23, 2018

Joginder Singh

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. N.S. Sodhi, Advocate and
Mr. L.S. Sidhu, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Shubham Gupta, Advocate and
Mr. Harsh Kumar Vasisth, Advocate for the complainant.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 329 dated 02.11.2017 under Sections 323, 494, 506 IPC registered at Police Station Ballabgarh City, District Faridabad.

It is submitted that the marriage of the complainant and the petitioner was solemnised in February, 1991. They were blessed with three daughters. The controversy has arisen after acquisition of one acre and four marlas of land of the petitioner for ₹2 crores. About ₹23 lakhs of the said amount was transferred in favour of the complainant. The complainant, it is stated, is living with the petitioner's parents. Marriage in question is stated to have been solemnised in February, 2012 whereas present FIR has been registered in November, 2017. This shows that the FIR has been actuated by extraneous considerations. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petitioner, but is unable to deny that second marriage was allegedly solemnised on 29.02.2012. It is submitted that proceedings under Section 156 (3) Cr.P.C. were initiated in July 2014 but the same were withdrawn as the petitioner had undertaken to resolve the issue. However, he backed out and thereafter the present FIR has been registered.

Learned counsel for the State, on instructions from HC Jaipal, verifies that the petitioner is not involved in any other criminal case. 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 in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. In the event of his arrest, petitioner shall be released on bail to the satisfaction of Investigating Officer/Arresting officer. He shall appear before the Investigating agency as and when required. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

(Lisa Gill)
Judge

January 23, 2018
rts

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