

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-52841 of 2018 (O&M)
Date of decision : December 17, 2018

Satish Kumar

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Ranvir S. Chauhan, Advocate, for the petitioner
Mr. Saurabh Khurana, DAG, Punjab, for the State

Fateh Deep Singh, J. (Oral)

This anticipatory bail application under Section 438 Cr.P.C. has been filed by accused-petitioner Satish Kumar in case FIR No. 36 dated 24.10.2018 under Sections 494,495,498-A IPC, Police Station Dhakoli, District Mohali.

The facts that have been highlighted before this Court are that the petitioner is working as a government school teacher now posted in Panchkula. The petitioner was earlier married on 6.5.2001 with one Pardeep Kumari out of which the couple has given birth to a son named Hiten. On account of some matrimonial dispute between

the petitioner-accused and his first wife, an application under Section 125 Cr.P.C. seeking maintenance as well as divorce proceedings are pending in a court of law. It is during the course of same, the present complainant Pooja has alleged that by deceit, false representation and suppression of material facts as to first marriage and a child born out of the same, the petitioner entered into wedlock with her on 17.7.2011, out of which a child has been born. It is claimed that it was after the court had given effect to the right of maintenance of the first wife by attaching salary of the husband on her verification she came to know of this marital status of the petitioner-husband in the month of October, 2018 leading to the registration of the present case. It has further been revealed that the petitioner is presently in a relationship with another lady Priya,

Mr. RS Chauhan, learned counsel for the petitioner has argued that the complainant was fully aware of the marital status of the petitioner and had volunteered into this marriage on her free will and accord. It is claimed that the complainant is an educated grown up mature lady and thus, it is highly un-acceptable that she was not aware of the previous marriage of the petitioner. It is further argued that the marriage has taken place with the complainant on 17.7.2011 and the FIR has been registered on 24.10.2018 after a delay of more than seven years is suggestive of the knowledge of the previous marriage and on account of matrimonial disaccord present case has

come about.

Mr. Saurabh Khurana learned State counsel assisted by Mr. Deepak Vashishth, counsel for the complainant have argued that the petitioner inspite of being a government school teacher had duped two women into his trap by marrying them and is now in a relationship with a third lady who might bear the same future and that the very conduct of the petitioner in involving three women shows that he is habitual to this and therefore, his custodial interrogation is very much essential for comprehensive and proper investigations of the allegations.

Going through these arguments it appears that the petitioner is on a prowl trying to entangle innocent women into his web to satisfy his physical lust. Having married once and bestowed with a son he had the un-ending lust to satisfy his physical wants and had played havoc with the life of the present complainant. As is there in the arguments of the State presently he is in relationship with another lady Priya. Thus, the very conduct of the petitioner is in itself illustrative of his criminal intent. How by virtue of his government job he is trying to put bait upon innocent women. The culpability becomes all the more intense as the petitioner happens to be a government school teacher who is supposed to impart education and principle of morality to the young minds and rather who himself is into this escapade. There are serious allegations against the petitioner

and it is the stand of the complainant of this element of deception and cheating and therefore necessitates custodial interrogation of the petitioner. Moreover the provisions of Section 438 Cr.P.C. are to be sparingly used. No ground for grant of anticipatory bail is made out. The present petition is thus dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

December 17, 2018
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No