

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

CRM-M-11 of 2019.

Decided on:- October 03, 2019.

Gursewak Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Saurav Khurana, D.A.G., Punjab.

Mr. H.S. Jaswal, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

The petitioner has filed the present petition under Section 438 Cr.P.C. seeking anticipatory bail in the event of his arrest in FIR No.104 dated 07.06.2018 under Sections 406 and 498-A IPC registered at Police Station Sadar Patti, District Tarn Taran.

On 22.08.2019, learned State counsel had apprised this Court that on enquiry, it has been found that the petitioner-husband has performed second marriage with Harpreet Kaur daughter of Mastan Singh, resident of Rampura, District Amritsar on 15.10.2018, when his marriage with respondent No.2-complainant was subsisting. Accordingly, while adjourning the case for 11.09.2019, the petitioner was directed to remain present in Court

along with an affidavit showing details of his complete assets, movable and immovable with revenue record i.e. Jamabandi of land, if any, in his name.

On 11.09.2019, respondent No.2-complainant (wife) was present in Court along with her minor daughter, but neither the petitioner had appeared nor he had furnished the required information. However, still, considering the request made by learned counsel for the petitioner, the case was adjourned to 18.09.2019 and the parties were again directed to remain present in Court on the adjourned date. The petitioner was also directed to pay a sum of Rs.10,000/- to respondent No.2-wife on the adjourned date for bothering her appearance.

On 18.09.2019, the parties were present in Court and the petitioner had handed over a sum of Rs.10,000/- to learned counsel for respondent No.2-complainant. While adjourning the case for today, the petitioner was again directed to file an affidavit along with complete revenue record including the Jamabandi regarding ownership of the land, house or any movable property in his name. The parties were again directed to remain present in Court today and the petitioner was directed to pay a sum of Rs.20,000/- to respondent No.2 on the next date of hearing. Learned counsel for respondent No.2-complainant, on instructions from respondent No.2, who was present in Court, stated that original certificates of respondent No.2 are still in the custody of the petitioner and he is not handing over the same to her. Therefore, it was further directed that if that is so, the petitioner shall hand over these documents to the complainant on the next date of hearing.

Today, neither the petitioner is present in person in Court nor the required affidavit has been filed by him. This shows the very conduct of the

petitioner as earlier also, he had neither appeared before the Court nor had filed the required information. Vide order dated 18.09.2019 passed by this Court, he was directed to pay Rs.20,000/- to the complainant, but the petitioner has failed to make the said payment to respondent No.2-complainant, who is present in Court.

Accordingly, the present petition is dismissed for non-prosecution.

At the same time, the present petition is dismissed with costs of Rs.40,000/- as the petitioner has failed to comply with the order dated September 18, 2019 passed by this Court. The costs shall be paid to respondent No.2-complainant within two months.

October 03, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No