

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

CRM-M No.8880 of 2019

Date of decision: 26th March, 2019

Mandeep Singh

... Petitioner

Versus

Punjab and Haryana High Court & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vijay Lath, Advocate for the petitioner.

Mr. Rajiv Vij, Addl. Public Prosecutor, UT Chandigarh
for the respondents.

FATEH DEEP SINGH, J.

This order shall dispose off second regular bail application filed under Section 439 Cr.P.C. by accused petitioner Mandeep Singh in case bearing Complaint No.93 Reg (Vig.) dated 18.09.2018 under Sections 193, 199, 209, 406, 494, 120-B IPC pending before the Court of learned Chief Judicial Magistrate, Chandigarh as case No.1367/2018 dated 19.09.2018 titled as 'Punjab & Haryana High Court vs. Mandeep Singh and another'.

The facts are that the present complaint was got lodged on the directions of this Court contained in order dated 18.08.2018 by the Registrar (Vigilance) of this Court. A petition bearing CRM-M No.41239 of 2018 (O&M) titled 'Manisha Wagle and another vs. State of Punjab and others' was filed in this case seeking protection of life and liberty of the petitioners wherein it was claimed that both the petitioners were major and had undergone marriage against the wishes of family on

15.09.2018. It is at the hearing, one Manjeet Kaur appeared before this Court and made statement and filed her affidavit along with photographs that in fact she was the legally wedded wife of present accused petitioner Mandeep Singh and which marriage was still subsisting out of which a child has been born and that is how the proceedings under Section 340 Cr.P.C. read with Section 195 Cr.P.C. were ordered to be initiated after due inquiry. The petitioner was charged with offences punishable under Sections 193, 199, 209, 406, 494 IPC read with Section 120-B IPC and was taken into custody on 18.09.2018.

Mr. Vijay Lath, Advocate for the petitioner inter alia contends that the petitioner is behind bars since more than six months and has sought to place reliance on cross-examination whereby Manjeet Kaur, the first wife, had accepted the fact that the husband accused petitioner has not taken any jewellery article from the house and therefore, offence under Section 406 IPC is not made out claiming that the remaining offences are bailable and thus, prayed for grant of bail submitting that the trial is not likely to conclude in the near future.

The bail application is opposed by Mr. Rajiv Vij, learned Additional Public Prosecutor, UT Chandigarh on the grounds that the petitioner has knowingly and intentionally made a false declaration before this Court about his marital status and in doing so has acted dishonestly and cheated the first wife and is guilty of commission of a serious offence of bigamy. It is further contended that if allowed bail, the petitioner might influence the witnesses and threaten them and therefore stifle the trial of the case.

Appreciating the submissions, as has been observed the accused petitioner fully aware that he was already married and having a child had acceptably undergone another marriage with Manisha Wagle. To facilitate the same by filing a protection petition in the Court had knowingly and intentionally filed a false affidavit of averments and thus, undermining the judicial sanctity. Such like instances have attained notoriety. People misuse such a process for attaining a sinister design, and therefore, is having an adverse impact on the dispensation of justice. The argument that by virtue of Section 198 Cr.P.C. for commission of offence under Section 494 IPC only a complaint lies by the aggrieved person, are matters of trial. Without feeling necessity to further advert on to the merits, else it might prejudice the case of the parties, such like practices need to be dealt with a heavy hand as dubious persons are carrying on such activities fleecing such runaway couples and having total disregard towards the law of the land. Therefore, the Courts being tools of social justice, such practices need to be put an end to. The apprehension of the State that if allowed bail the petitioner might influence the witnesses is not unfounded. Finding no merit, the petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

March 26, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No