

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

CRM-M No.45189 of 2018
Date of decision: 23rd January, 2019

Pardeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Dhruv Gupta, Advocate for the petitioner.

Mr. A.S. Sandhu, Addl. Advocate General, Punjab
for the respondent/State.

Mr. Navjeet Singh Malmajra, Advocate for the complainant.

FATEH DEEP SINGH, J.

This order shall dispose off first regular bail application of petitioner Pardeep Singh under Section 439 Cr.P.C. in case bearing FIR No.54 dated 16.06.2018 under Sections 419, 420, 498, 313, 406, 494, 120-B IPC pertaining to Police Station Bhindi Saidan, Amritsar.

The present case was got registered on the complaint of Paramjit Kaur. In her complaint, she alleged that the petitioner, whose actual name is Pardeep Singh, impersonating as Sandeep Singh entered into a wedlock with her on 10.09.2016 and during the course of subsistence of this marriage had again re-married. It is alleged that the petitioner on 28.11.2017 under deception/fraudulent misrepresentation entered into another wedlock with one Karamjit Kaur daughter of late

Joginder Singh of village Kasganj, District Rampur, UP. Though it is there in the stand of the complainant that no child has been born out of the second wedlock but by illegal means the petitioner had tried to induce abortion of three week's pregnancy of complainant earlier detected on 23.11.2016 with a motivated cause. On account of registration of the present case the petitioner was got arrested.

Learned counsel for the petitioner Mr. Dhruv Gupta inter alia contends that there is no cogent and material evidence to show applicability of Section 313 IPC qua the petitioner who is behind bars since a long time and that in the year 2017 the petitioner had filed a divorce petition against the present complainant which is still pending, harbouring on the ground that investigation and trial are not likely to conclude in the near future, has sought grant of bail to the petitioner citing '**Joginder Singh v. State of Punjab**' (CRM-M-37376-2018 decided on 13.09.2018) and '**Mandeep Singh & another v. State of Punjab**' CRM-M-34790-2018.

On behalf of the State, Mr. A.S. Sandhu, Addl. Advocate General, Punjab on instructions from ASI Tejinder Singh assisted by Mr. Navjeet Singh Malmajra, Advocate for the complainant have sought to oppose the grant of bail on the grounds of heinousness of the offence and seriousness of allegations arguing that the petitioner is habitual to such frauds and has duped and played with the lives of two women and

there might be similar other instances and if allowed bail, the petitioner might influence the investigation and stifle the trial.

Going through the submissions of the two sides and on perusal of the records, the own stand of the petitioner side that the petitioner has filed divorce petition against the present complainant, invariably leads to the conclusion that he accepts the inter-se relationship of husband and wife between the two, which is still subsisting as on date. Learned State counsel has vehemently argued with particulars of second marriage and document as to proof of this second marriage having been undertaken in a Gurdwara. Mere pendency of a divorce petition does not absolve the petitioner of his acts. There are serious allegations against the petitioner of having played with the life of the complainant as well as another woman and had been instrumental, as per the allegations, in facilitating abortion of the complainant which is reflected from the ultrasound document. The ratios cited are factually and legally at much variance from the case in hand. Merely because the petitioner is behind bars since a long time, is no extenuating circumstance. Finding no merit, the petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

January 23, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No