

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

CRM-M-45280-2018
Date of decision:18.09.2019

GURDEV SINGH AND ORS

....Petitioners

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Amit Arora, Advocate
for the petitioners.

Ms. Rashmi Attri, AAG, Punjab
assisted by ASI Manpreet Singh.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioners seek grant of anticipatory bail in respect of FIR No.18 dated 28.3.2017 under Sections 498-A, 506, 494 IPC, Police Station Sarai Amanat Khan, District Tarn Taran.
2. The FIR was registered at the instance of Jaswinder Kaur wherein it has been alleged that her marriage was solemnized on 23.11.2003 with Gurdev Singh and a daughter was born out of the wedlock. It is alleged that although at the time of marriage, the petitioner i.e. the husband, his father, uncle and other relatives had informed that Gurdev Singh is

unmarried but she later on came to know that fraud had been committed upon her and that Gurdev Singh was already married with Surinder Kaur and also having two children out of the said wedlock.

3. Learned counsel for the petitioners has submitted that in fact the complainant is legally wedded wife of Manjit Singh i.e. brother of petitioner No.1 and somehow later under some arrangement made in the family, the marriage of the petitioner came to be registered with the complainant for the purpose of preparing documents to enable the complainant to go abroad.
4. Opposing the petition, the learned State counsel has informed that investigation is going on and in fact it appears that there is some dispute regarding property and that real story regarding second marriage is yet to be unearthed and that there is possibility of said second marriage being a sham marriage. It has however been informed that the petitioners have joined investigation.
5. I have considered rival contentions addressed before this Court. Bearing in mind the fact that three out of four petitioners are aged about 70 years and are related to petitioner No.1 being their uncles (*Fufar*) and that all of them have joined investigation, the present case is not such which would warrant custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 29.10.2018 by this Court are hereby made absolute subject to the condition that the petitioners would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the

conditions as provided under Section 438 (2) Cr.P.C.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

18.09.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No