

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

**CRM-M No.24472 of 2019**  
Date of decision: 31<sup>st</sup> May, 2019

Gurtejpal Singh Sohal

... Petitioner

Versus

UT of Chandigarh

... Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Gurdeepinder S. Dhillon, Advocate for the petitioner.

Mr. J.S. Toor, Addl. PP for UT Chandigarh  
for the respondent/State.

Mr. Sourabh Arora, Advocate for the complainant.

**FATEH DEEP SINGH, J. (ORAL)**

Allegations against the petitioner Gurtejpal Singh Sohal in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.0052 dated 05.04.2019 under Sections 376(2) and 495 IPC pertaining to Police Station Sarangpur, Chandigarh have been leveled by the complainant, a divorced lady then aged around 50 years. The precise allegations that are not disputed by either of the sides are that the petitioner who was earlier married, had secured divorce from his previous wife on 15.05.2014 though the present complainant and the petitioner had entered into a wedlock on 17.07.2011 and resided together upto 25.07.2018 when the complainant was thrown out of her matrimonial home by the petitioner, leading to registration of the present case and arrest of the petitioner on 05.04.2019.

Learned counsel for the petitioner Mr. Gurdeepinder Singh Dhillon, Advocate inter alia contends that the complaint is an outcome of suppression of material facts, misrepresentation and that the petitioner is behind bars since a long time and that neither there is any mis-statement or concealment and thus, has sought to debate applicability of section 376(2) IPC.

Learned State counsel Mr. J.S. Toor, Additional Public Prosecutor, UT Chandigarh on instructions from ASI Sumer Singh, Police Station Sarangpur assisted by Mr. Sourabh Arora, Advocate representing the complainant, though have admitted the facts brought to the notice of this court but have stoutly opposed the grant of relief on the grounds of seriousness of allegations and that the petitioner is instrumental in committing a fraud with the complainant and there is every likelihood that he will abscond if allowed bail.

Going through the submissions of the two sides, it is duly admitted by the complainant that she had three kids from her previous marriage, from whom she had obtained divorce and is aged around 50 years. It is also not displaced that the petitioner too is a previously married man and it was during the subsistence of this marriage, which was solemnized on 17.07.2011, he has secured divorce from his previous wife on 15.05.2014. The couple has resided together till 25.07.2018 and thus, a debatable issue arises over the very applicability of section 376(2) IPC. Petitioner is behind bars since a long time. In view thereof and the fact that trial is not likely to accomplish in the near future, this Court is of

the opinion that no useful purpose will be served by keeping the petitioner behind bars in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Chandigarh. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)  
JUDGE

May 31, 2019

*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |