

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

CRM-M-26183-2019

Date of decision-03.06.2019

Preeti

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Pankaj Jain, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Preeti has filed this petition under Section 439(2) Cr.P.C for quashing of order dated 20.05.2019 passed by Additional Sessions Judge (Fast Track Court), Gurugram whereby the concession of anticipatory bail was extended to accused (respondent No.2) in case FIR No.60 dated 10.05.2019 registered under Sections 376(2) (n), 323, 420 and 34 IPC at Police Station Woman West, Gurugram.

Learned counsel for the petitioner contends that previously complainant (petitioner) was married to Manjit Singh son of Late Davinder Yadav on 22.02.2019 and two children were born out of this wedlock. Her husband expired on 05.07.2012 who was engaged in the business of property dealing and resultantly, the entire moveable/immovable property was inherited by her, her son and the mother-in-law. It was further narrated that the matrimonial family and the paternal family of the complainant discussed the matter and finalized her marriage with the younger brother of Manjit Singh, namely, Sagar and the same was performed on 24.12.2012. Thereafter, the couple resided as husband and wife and consummated the

marriage as well. After marriage with Sagar, the entire properties were further transferred in the name of Sagar which were previously in the name of the complainant and her son Vansh. According to the complainant, the dispute between the parties arose and the complainant was compelled to leave the house. According to her, Sagar performed another marriage with some other girl. On these broad allegations, it was alleged that the accused have committed the offence punishable under Sections 420 and 376 IPC.

Learned counsel for the petitioner contends that in the facts and circumstances of the case, Court has exceeded its jurisdiction in extending the concession through impugned order. However, it is not disputed that the complainant and Sagar remained together after the alleged marriage in the year 2012.

In the given facts and circumstances, learned counsel for the petitioner has failed to make out a case to justify the custodial interrogation of the accused. It is not a case of the petitioner that the concession extended to the accused was misused by him.

In view of the above, no case is made out to interfere with the order dated 20.05.2019 passed by the Court below.

Resultantly, petition fails and same is dismissed.

(MANOJ BAJAJ)
JUDGE

03.06.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No