

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-43967-2019 (O&M)
Date of Decision:- 29.11.2019

Kewal Singh Brar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Baltej Singh Sidhu, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. P.S.Sekhon, Advocate, for the complainant.

GURVINDER SINGH GILL, J.

1. Petitioner-Kewal Singh Brar, seeks grant of anticipatory bail in a case registered vide FIR No.55, dated 11.9.2019, registered at Police Station Women, District Bathinda, under Sections 498-A, 406, 506, 420 and 120-B IPC.
2. The FIR was registered at the instance of Kiranjit Kaur wherein it has been alleged that her marriage was solemnized with petitioner Kewal

Singh Brar, Advocate, about 19-20 years back wherein her parents had spent huge amount of money much beyond their capacity. It is alleged that her husband used to torture her both mentally and physically and also used to give beatings to her. It is further alleged that Kewal Singh Brar had married his junior namely Jasvir Kaur, who was working in his office and had asked the complainant to get her marriage dissolved with the petitioner. It is alleged that complainant's father-in-law and her sister-in-law used to tell her that they want a son for continuance of their progeny. The complainant has stated therein that she somehow managed to escape and reached at her parental home. Later, her parental family tried to reason out with the petitioner but to no avail and rather he threatened them with dire consequences.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case by the complainant on account of some minor differences which had crept in amongst them and that the entire allegations regarding harassment and second marriage are patently false. Learned counsel for the petitioner, upon instructions from his client has submitted that the petitioner has always been ready and willing to look after his wife and daughter and that in order to prove his *bonafides* he is willing to invest an amount of ₹10 lakhs in FDRs in favour of his daughter.
4. Opposing the petition, learned State counsel has submitted that since specific allegations of harassment and maltreatment by the complainant have been levelled in the FIR including that the

petitioner had solemnized second marriage, no case for grant of anticipatory bail is made out. Learned counsel for the complainant has shown some photographs of the alleged second marriage of the petitioner and has contended that the petitioner in these circumstances does not deserve the concession of bail.

5. I have considered rival submissions addressed before this court. Apart from the fact that the allegations of harassment and maltreatment have been levelled in the FIR, the complainant has also alleged that the petitioner has solemnized second marriage. Although, the allegations regarding second marriage are not admitted by learned counsel for the petitioner but he has admitted the fact that Jasvir Kaur is working in the office of the petitioner.
6. The aforesaid allegations is a matter which can be decided only after evidence is led before the Trial Court. In any case since the petitioner has already joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and interim directions issued vide order dated 17.10.2019 are made absolute subject to the condition that the petitioner shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.
7. However, keeping in view the offer made by the petitioner, who is present in person, the petitioner is directed to invest an amount of ₹5 lakhs in favour of his daughter in the shape of FDR in some nationalized bank within a period of 6 months from today. Another

amount of ₹5 lakhs shall be invested in the next 6 months thereafter in the name of the petitioner's daughter, which she shall be entitled to encash at the time of her marriage or thereafter. The amount shall be invested in the FDRs after informing the complainant about the same.

8. A copy of this order shall be furnished by the parties to the Bank concerned, where the amount is invested at the time of getting the said FDRs made.

November 29, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No