

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

CRM-M-45747 of 2019.

Decided on:- October 31, 2019.

Lal Singh.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Sukhtej Singh Sandhu, Advocate for
Mr. Saurabh Bajaj, Advocate
for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.100 dated 25.07.2019 under Section 376 IPC registered at Women Police Station, Karnal, District Karnal.

The aforesaid FIR was registered at the behest of prosecutrix. As per the FIR, one Lakhwinder Kaur wife of Kulbir Singh, who is neighbour of the prosecutrix had fixed the meeting of prosecutrix with the petitioner by saying that the wife of the petitioner had died in December, 2017 and he wants to re-marry. After some days, the petitioner again talked with Lakhwinder Kaur so as to convince the prosecutrix for marriage. In this manner, Lakhwinder Kaur (neighbour) came along with the petitioner to the

house of the prosecutrix and insisted her (prosecutrix) to marry with the petitioner to which the prosecutrix agreed to get married after 2-3 days.

It is further alleged in the FIR that on 04.06.2019, the petitioner called his brother Gurnam Singh and his wife Balvinder Kaur to his house as well as the prosecutrix and her neighbour Lakhwinder Kaur. The petitioner also called a Babaji of Gurudwara, who performed their marriage by way of Ardaas. The petitioner told the prosecutrix that he will perform social and legal marriage after few days and he established physical relations with her on 04.06.2019 saying that she (prosecutrix) is his wife. He kept her for 3 days and told that he has one son, who has died and a daughter, who lives in Italy. He also told that his daughter-in-law and grandson are living with their maternal grandparents and he has not disclosed about this marriage to them because he has some conflict with them and a Panchayat would be convened on 09.06.2019 and till that date, she (prosecutrix) should go to her home, so that he can settle the dispute.

The prosecutrix further alleged that after two days, the petitioner had again taken her from her house and she lived with him for 4-5 days at his house. During this period also, the petitioner established physical relations with her. Thereafter, the prosecutrix was sent to her place at Karnal. When the prosecutrix asked him to take her to his house and to perform a social marriage, the petitioner kept on postponing the matter on one pretext or the other.

Learned counsel for the petitioner has argued that the petitioner is an old person of about 68 years of age and has undergone surgery of hip

replacement. He is in custody since 30.07.2019. The conclusion of trial is likely to take a long time.

Learned State counsel has argued that after solemnising marriage with the prosecutrix, the petitioner has entered into another marriage and in this manner, on the false pretext of marriage, he has established physical relations with the prosecutrix.

I have heard learned counsel for the parties.

The petitioner is in custody since 30.07.2019. He is about 68 years of age and has stated to have undergone a surgery of hip replacement. Therefore, considering his ailment and the fact that his culpability is yet to be decided during the trial, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

October 31, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No