

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-684 of 2020

Date of Decision: 22.01.2020

Amandeep Khokhar

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. APS Rehan, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl.A.G., Punjab.

Mr. Ritesh Pandey, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.150 dated 07.12.2019 under Sections 420 and 376 IPC registered at Police Station Dhariwal, District Gurdaspur.

The allegation against the petitioner is that he established relations with the prosecutrix on the pretext of performing marriage with her, despite already being married. The prosecutrix has levelled specific allegations against the petitioner that she had asked him about his marital

status about six months back from the date of registration of the FIR, to which, the petitioner had stated that he has been granted divorce and therefore, he wants to solemnize marriage with her.

Learned counsel for the petitioner has argued that the relations between the parties were consensual in nature. The complainant was aware of the fact that the petitioner was already married and no such divorce has taken place between the petitioner and his earlier wife and with this understanding, the relations were established between the parties. In support of his arguments, he has referred to judgment of the Apex Court in the case of **Vinod Kumar Vs. State of Kerala** 2014(2) RCR (Criminal) 440.

Learned counsel for the complainant has argued that the petitioner had approached the prosecutrix and stated that though he is already married, but his divorce petition is pending and he wanted to solemnize marriage with the prosecutrix after getting divorce from his first wife. On the pretext of getting married with the prosecutrix, he established physical relations with her.

I have heard learned counsel for the parties.

Taking into consideration the nature of allegations, wherein despite having been married and not been divorced, the petitioner told the prosecutrix that he has been granted divorce and thereby, he established relations with her on the pretext of performing marriage with her, this Court finds that no case for grant of anticipatory bail is made out. The judgment of the Apex Court in the case of **Vinod Kumar** (*supra*), is not applicable to the facts and circumstances of the present case.

Accordingly, the present petition is dismissed.

However, the observations made hereinabove shall not be taken as an expression on the merits of the case and are restricted for limited purpose of this petition.

January 22, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No