

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14297-2020

Date of Decision : August 06, 2020

Navneet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Surinder Singh Siao, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for grant of anticipatory bail in FIR No.17 dated 18.2.2020 under Sections 494, 498-A IPC, registered at Police Station Women, District Ludhiana.

Counsel for the petitioner submits that as per the allegations in the FIR registered at the instance of his wife Amandeep Kaur, the marriage took place on 30.1.2001 and out of this wedlock, two children were born. Thereafter, the petitioner stopped living with the complainant and has performed second marriage with one lady Ragini @ Sonia and has a child with her. It is further submitted that the petitioner has refused to provide maintenance to the complainant and her daughter and the second marriage was performed without the consent of the complainant and without obtaining a decree of divorce from her as well. It is further stated that the petitioner is harassing her and the details of instances are given in the FIR. Counsel for the petitioner further submits that there is no evidence that the petitioner has performed marriage with Ragini @ Sonia and there is a compromise dated 26.8.2008 to the effect that the petitioner will reside separately from her parents and the complainant is residing with the parents of the petitioner

with her children. It is further submitted that there is no evidence that the petitioner has ever given beatings or maltreated the complainant.

Learned State counsel, assisted by the counsel for the complainant, has, however, opposed the prayer on the ground that the petitioner has performed second marriage on 20.7.2018 with Ragini @ Sonia and prior to that he stopped living with the complainant without any realm and reason and failed to maintain her and the minor children. It is also stated that from the second marriage, a son was born and during investigating it is found that the petitioner has maltreated the complainant and not maintaining her minor children.

Counsel for the complainant has further stated that the petitioner has failed to maintain the complainant and her minor children and take care of their education and other necessities of the life. Counsel further submits that the petitioner is residing in the same city with the lady Ragini @ Sonia and it is wrongly stated that he is residing with the complainant.

After hearing the counsel for the parties and considering the serious allegations against the petitioner that during the subsistence of his first marriage with the complainant, two children were born and the petitioner has failed to maintain; take care of their education; performed second marriage with a lady named Ragini @ Sonia and one son was born out of this second marriage, I found that a *prima facie* case is made out against the petitioner. As there are serious allegations in the FIR regarding harassing and maltreating the complainant, custodial interrogation of the petitioner is required.

Accordingly, this petition is dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

August 06, 2020
satish

Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO