

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

CRM-M-20995-2020 (O&M)
Date of Decision:- 13.8.2020

Manveer Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.P.S.Ghuman, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Vinod Kataria, Advocate for the complainant.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.

1. The petitioner Manveer Kaur seeks grant of anticipatory bail in a case registered against her vide FIR No.182 dated 29.5.2020 under Sections 420/494 IPC at Police Station Sohana, District SAS Nagar.
2. The FIR in question was lodged at the instance of Bhupinder Singh (husband of petitioner) wherein it has been alleged that his first wife namely Kulwinder Kaur expired in the year 2008 on account of Cancer and that thereafter he solemnized second marriage with Manveer Kaur in the year 2009. It is alleged that later it transpired that Manveer Kaur had earlier solemnized four marriages which she had never disclosed to the complainant Bhupinder Singh. The first marriage of Manveer Kaur had taken place in the year 1993 with Balwinder Singh Binder which was still subsisting and no

formal divorce had been granted. The second marriage of Manveer Kaur is alleged to have been solemnized in the year 1999 with Premjit Singh, which was later declared *nullity* by the Court of Additional District Judge, Barnala. Thereafter, Manveer Kaur is alleged to have solemnized two more marriages i.e. one at Patiala with some police personnel and another with some man in a village near Patiala, who is stated to be presently in USA. Manveer Kaur after solemnization of her marriage with the complainant started creating ruckus and raised quarrels upon petty matters and in order to settle the quarrels, the complainant transferred two killas of his land in her name in village Raipur Chobdara, Fatehgarh Sahib and also purchased a new Swift car in her name. However, Manveer Kaur still kept on pressurising the complainant to part with half of his property and held out threats to commit suicide and also inflicted injuries on herself and got herself admitted in hospital and got a false FIR registered against the complainant. Manveer Kaur, thereafter, started raising demand of ₹ 50 lacs for the purpose of giving divorce and raised another demand of ₹ 36 lacs for returning the land, which had been transferred in her name. Subsequently, it was agreed amongst the parties that the complainant will pay an amount of ₹ 50 lacs in lieu of grant of divorce to Manveer Kaur and would also give an amount of ₹36 lacs for purchasing back the land measuring two killas, which had earlier been given to Manveer Kaur. In pursuance of the said agreement, an amount of ₹ 25 lacs was actually transferred to the account of Manveer Kaur through RTGS and a demand draft of ₹ 35 lacs in favour of Manveer Kaur was also given to her. However, later Manveer Kaur backed out from the compromise and refused to give divorce and left her matrimonial home

while taking away about 1 kilogram of gold belonging to mother, grandmother and first wife of the complainant.

3. The learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner and that infact it is a case of matrimonial discord, which is being given a colour of criminal offence. It is further submitted that the fact that the petitioner has withdrawn her consent for the purpose of grant of divorce cannot be said to constitute criminal offence as the very purpose of recording statements before the Family Court in the first instance and thereafter in the second instance is to verify about the voluntary nature of consent of both the parties and in case any of the parties withdraws the consent, the marriage cannot be dissolved and that such withdrawal cannot be said to constitute criminal offence.
4. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that since it is a case where the petitioner has cheated the complainant by concealing material information about her previous marriages and that one of the her marriages was also subsisting when she solemnized marriage with the complainant, an offence under Section 494 IPC is clearly made out. It has further been submitted that the petitioner is habitual of blackmailing innocent persons and had blackmailed her earlier husband and his family and was now bent down extracting huge money from the complainant by one way or the other.
5. I have considered rival submissions addressed before this Court.
6. Needless to mention, the entire dispute stems out of some matrimonial discord amongst the parties as their relationship seems to have been gone sour. The fact that the petitioner after accepting money on account of

settlement for dissolution of marriage by mutual consent but has later withdrawn her consent cannot be construed as a criminal offence. The petitioner certainly would have the remedies in this regard. Infact, the petitioner has already challenged the dismissal of his petition under Section 13-B of the Hindu Marriage Act, 1955 by way of filing FAO-M-325-2018 wherein notice of motion had been issued. The offence under Section 494 IPC, in any case, is a bailable offence. The petitioner, being a lady, in any case would justify taking a lenient view in the matter.

7. Having regard to the totality of the facts and circumstances of the case, the petition is hereby accepted and the petitioner in the event of her arrest shall be released on bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C. The aforesaid order is being passed subject to the condition that petitioner deposits an amount of ₹10 lacs in Trial Court/Illaq Magistrate within one month from today which shall be invested in FDR in some nationalised bank. The Trial Court shall pass order for release of said amount in favour of either of the party at the time of conclusion of trial.
8. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

13.8.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No