

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****203****CRM-M-21948-2020****Date of Decision: 04.12.2020**

Kumar Pal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Baljeet Beniwal, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,

Mr. Keshav Pratap Singh, Advocate, for the complainant.

*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.72 dated 10.07.2020 at Police Station Women Ballabhgarh, District Faridabad under Section under Sections 376(2)(n), 506 of IPC.
2. At the time of issuance of notice of motion on 07.08.2020, the following order was passed:

“The complainant alleges that the petitioner, while representing that he is a divorcee, established physical relations with her while holding out a promise of marriage. It is further alleged that although the petitioner had garlanded the complainant and also applied 'sindoor' on her forehead but later on it transpired that the petitioner was already married.

The learned counsel for the petitioner has submitted that it is a case where the complainant was a mature lady, who had been moving about with the petitioner to various places and later when the relations turned sour, the petitioner has been falsely implicated.”

3. The learned State counsel upon instructions from ASI Babita has informed that the petitioner has since joined investigation and is not required for any custodial interrogation.
4. The learned counsel for the complainant has, however, opposed the petition on the ground that the complainant has been deceived into marriage by the petitioner inasmuch as the petitioner in fact was already married and also had children from the first marriage. The learned counsel has further submitted that the complainant was shown some documents in English language by the petitioner, who represented that he had obtained the divorce whereas in fact it later transpired that no such divorce had ever been obtained by the petitioner.
5. I have considered rival submissions addressed before this Court.
6. While it could be a case that the petitioner may already be married earlier, but at the same time the complainant is a matured lady and in fact the petitioner as well as the complainant are both residents of the same village and it appears unlikely that complainant wouldn't be knowing about the marital status of petitioner despite being resident of same village. It also remains unexplained as to why despite the marriage as alleged by the complainant, she did not move into the house of the petitioner. In any case, since the petitioner has already joined the investigation and his custodial interrogation is not required, the petition, as such, is accepted and

the interim directions issued by this Court vide order dated 07.08.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

7. It is, however, clarified that none of the observations made above shall be taken to be an expression on the merits of the main case.

04.12.2020

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**