

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-20873-2019

Date of Decision:16.01.2020

Mahesh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

**Present: Ms. Meenakshi Singh, Advocate for
Mr. Amit Kumar Goyal, Advocate,
for the petitioner.**

Ms. Priyanka Sadar, AAG, Haryana.

**Mr. Ashok Arora, Advocate,
for respondent No.2-complainant.**

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in FIR No.612 dated 21.12.2018 under Sections 323, 506, 498-A, 34 IPC, registered at Police Station Beri, District Jhajjar.

The aforesaid FIR was registered at the behest of complainant-respondent No.2-Santosh. Marriage between the parties was solemnized on 12.05.2018. As per FIR, on 18.11.2018, she accompanied her husband to Calcutta, where relatives from her in-laws' side including her sister-in-law Sapna, petitioner, her mother-in-law Mukesh and father-in-law Ramesh abused her. Sister-in-law had asked her as to whether she had brought the money of sale of plot. However, when the complainant denied that she had

not brought any money, they all started giving beatings to her. They have taken away all her jewellery and while taking a bottle of two litre petrol, poured it on her and tried to put the complainant on ablaze, but she was saved by the ladies of the locality. She called the police at No.100. In this manner, the accused have planned to kill her.

Vide order dated May 08, 2019, while staying the arrest of the petitioner, the matter was referred to Mediation and Conciliation Centre of this Court. Thereafter, the case is being adjourned repeatedly, so that counsel for the petitioner may get instructions in the case.

On October 01, 2019, learned counsel for the petitioner has produced on record a photocopy of the transfer order dated 29.09.2019, whereby the petitioner was transferred from Calcutta to Jodhpur. On October 01, 2019, counsel for the petitioner had submitted that the petitioner is likely to join very shortly at his new place of posting and will make all necessary arrangement for some suitable accommodation so that he can take his wife along with him at the new place of posting. Accordingly, the case was adjourned to 23.10.2019.

On 23.10.2019, petitioner was also present in the Court. Learned counsel for the petitioner, on instructions from the petitioner, who is present in the Court, had stated that the petitioner is staying in barracks and it is not possible for him to take his wife to the barracks. Accordingly, the petitioner was directed to file an affidavit duly counter-signed by his Commanding Officer to the effect that he is staying in barracks.

On November 29, 2019, this Court had passed the following order:-

“Learned counsel for the petitioner has produced on record a photocopy of the communication dated 12.11.2019 issued by

the Commanding Officer, 43 WEU, C/O 32 Wing, AF, C/O 56 APO, to the effect that as per record of the Indian Air Force, petitioner is unmarried and staying in the Barracks and no female is allowed to stay in the Barracks. However, at this stage, learned counsel for the petitioner submits that the petitioner could not come present in the Court, in terms of order dated 23.10.2019, as he is on some operational duty. She further states that the petitioner would take his wife to a family quarter or private accommodation, if permissible in accordance with the relevant Indian Air Force Rules and Regulations in the month of December 2019.

Adjourned to 16.01.2020.

Parties are directed to remain present in the Court on the next date of hearing.

Interim order to continue.”

The communication dated 12.11.2019 issued by the Commanding Officer, 43 WEU, C/O 32 Wing, AF, C/O 56 APO reveals that the petitioner is unmarried and it is for this reason he is staying in the barracks and therefore, no female is allowed to stay in the barracks.

Thus, from the conduct of the petitioner it reflects that the petitioner has been projecting himself as an unmarried man and in these circumstances, he was not allotted the accommodation at his place of postings.

At this stage, learned counsel for the petitioner, on instructions from the petitioner, who is present in the Court, submits that in fact marriage of the petitioner was fixed with Saroj, D/o Dhanpat and not with respondent No.2-Santosh, D/o Dhanpat. In this manner, fraud has been committed upon the petitioner as he was made to solemnize marriage with respondent No.2, though he was otherwise to solemnize marriage with

Saroj. This Court finds that the proceedings are pending since long before

this Court. The case having been adjourned repeatedly, but no such plea was ever raised by the petitioner that fraud has been committed upon him at the time of solemnization of his marriage. The parties have been appearing in the Court regularly, but it is for the first time, a new plea has been raised by learned counsel for the petitioner that respondent No.2 has fraudulently solemnized marriage with the petitioner.

Taking into consideration the nature of allegations and the fact that the marriage between the parties was solemnized on 12.05.2018 and the petitioner having not come to the Court with clean hands, rather had been taking altogether different stand, this Court does not find any reason to admit him on anticipatory bail.

Dismissed.

January 16, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No