

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-33201-2020 (O&M)

Sadhu Singh ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-40382-2020 (O&M)

Shinderpal Singh ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-14.12.2020

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Dr. Rau P.S. Girwar, for the petitioner(s).

Mr. H.S. Sitta, AAG, Punjab.

Mr. Amaninder Sekhon, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the aforesaid two petitions filed on behalf of petitioners Sadhu Singh and Shinderpal Singh seeking grant of anticipatory bail in respect of a case registered vide FIR No.338 dated 15.9.2020 at Police

Station City Faridkot under Sections 420, 120-B, 506 and 494 of Indian Penal Code.

2. While Sadhu Singh is father-in-law of the complainant Arshdeep Singh, the petitioner Shinderpal Singh is uncle (Masad) of the complainant's wife. The allegations are that when the marriage between the complainant Arshdeep Singh and his wife Gurmeet Kaur was solemnized on 7.2.2015, the said Gurmeet Kaur was infact already married and had concealed the factum of her previous marriage.
3. The learned counsel for the petitioner has submitted that infact the marriage between the complainant and Gurmeet Kaur was solemnized on 25.8.2016 as would be evident from the marriage registration certificate (Annexure P-5), wherein the said fact is clearly mentioned. The learned counsel has further submitted that no concealment of the previous marriage was ever made as the marriage registration certificate itself records the status of Gurmeet Kaur to be 'divorcee'. The learned counsel has further submitted that infact Gurmeet Kaur daughter of petitioner Sadhu Singh was initially married to one Arun Joshi but the said marriage was dissolved by a decree of divorce by mutual consent vide judgment and decree dated 21.4.2014 (Annexure P-1). It has further been submitted that subsequently the said Gurmeet Kaur was married to one Jagmail Singh Gill but the said marriage was also dissolved vide judgment and decree dated 22.8.2016 (Annexure P-3). It has thus been submitted that since the earlier marriages stood dissolved before 25.8.2016 i.e. before the marriage of the said Gurmeet Kaur with the complainant, and the factum of earlier marriage stands reflected in the marriage certificate itself, it cannot be said that any kind of concealment had been made by her.

4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that infact an incorrect date of marriage has been recorded in the marriage certificate and, as such, the petitioners being closely related to Gurmeet Kaur, do not deserve the concession of anticipatory bail. The learned State counsel has, however, informed that pursuant to interim directions, the petitioners have since joined investigation.
5. Having regard to the aforestated position, wherein this Court finds that the documents placed on record indicate that the earlier marriages stood dissolved before 25.8.2016 i.e. the date of marriage as reflected in the marriage registration certificate (Annexure P-5) wherein the status of Gurmeet Kaur is also reflected as 'divorcee' and while noticing that it is a case mainly based on documentary evidence and the petitioners have joined investigation, their custodial interrogation is not warranted. Both the petitions, as such, are hereby accepted and the interim directions issued on 16.10.2020 and 8.12.2020 are hereby made absolute subject to the condition that the petitioners 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.

14.12.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No