

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

**CRM-M No. 1866 of 2021
Date of decision: 14.01.2021**

Rishi Pal Petitioner.

Versus

State of Haryana Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Akshay Kumar Jindal, Advocate, for the petitioner.

Mr. Arun Beniwal, DAG, Haryana, for the respondent.

Mr. Gaurav Chopra, Advocate, for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No. 89 dated 19.10.2020, under Sections 323, 406, 420, 467, 468, 471, 498-A and 506 read with Section 34 of the Indian Penal Code, 1860, registered at Women Police Station, District Sonapat.

Learned counsel for the petitioner contends that the petitioner is the brother-in-law of the complainant and had been residing separately from his brother and the complainant. The petitioner's brother and the complainant had been residing in Australia while the petitioner is residing at Delhi. He also contends that it is alleged that the petitioner had prepared a false report of service effected upon the complainant for the proceedings of divorce initiated by the brother of the petitioner in Australia. The complainant had also been served through registered post and, therefore, she was well aware

of the proceedings in Australia and on her own volition chose not to participate in the same which resulted in the *ex parte* divorce decree granted to the brother of the petitioner. He also contends that the proceedings had taken place in Australia and, therefore, no offence is made out within the territorial jurisdiction of India.

Issue notice to the respondent.

At the asking of the Court, Mr. Arun Beniwal, DAG, Haryana, accepts notice on behalf of the respondent-State. He contends that the petitioner had prepared a false report with regard to the service allegedly effected upon the complainant. The complainant is residing at Sonapat and the service has been attested by a Notary Public working at Gurugram. The service was not effected on the complainant through e-mail and she was not informed about these proceedings by any electronic mode.

Mr. Gaurav Chopra, Advocate, has put in appearance on behalf of the complainant. He contends that the complainant has been left high and dry and petitioner has actively connived with his brother in obtaining *ex parte* divorce decree. The complainant is residing with her six years old daughter and she is working in a private school and is bearing the expenses of the child. The brother of the petitioner has not paid any amount towards the up-keep of the complainant or her daughter.

Heard.

It is manifest that the brother of the petitioner had filed a petition for divorce in the Federal Circuit Court in Australia. The petitioner had sent an affidavit of service wherein it was stated that he had gone to serve the complainant and she had refused to accept the same. The date when the

service was effected at Sonapat has been mentioned as 06.10.2018 while the attestation has been done by the Notary Public based in Gurugram on 31.10.2018. A copy of the affidavit of service has been annexed at Annexure P2. There is nothing to indicate that the complainant was served through electronic mode. The petitioner has allegedly prepared a false service report at Gurugram with an intention to deceive the complainant, who has been denied her valuable right to participate in the proceedings for divorce initiated by the brother of the petitioner. Therefore, in view of serious allegations against the petitioner, I do not deem it appropriate to grant the concession of anticipatory bail to the petitioner.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

14.01.2021
Ramesh

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