

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

PANKAJ KUMAR
APP-067:23
I attest to the accuracy and
integrity of this document

CRM-M No.1682 of 2020(O&M)

Date of Decision.02.09.2021

(Heard through VC)

Pradeep Jairath

...Petitioner

Vs

State of U.T. Chandigarh and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sapan Dhir, Advocate
for the petitioner.

Ms. Vasundhara Dalal Anand, APP, UT, Chandigarh.

Mr. Ajay Pal Singh Saini, Advocate
for respondent No.2.

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JAISHREE THAKUR J. (ORAL)

1. Reply filed on behalf of the respondent-State is taken on record.

2. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.108 dated 23.08.2019 under Sections 120-B, 406, 495, 498-A IPC registered at Police Station Women, Chandigarh.

3. Learned counsel appearing for the petitioner prays for grant of anticipatory bail to the petitioner by contending that he has been falsely implicated in the said FIR. It is argued that the petitioner and the complainant came in contact with each other through Facebook and gradually developed a deep friendship, which resulted in him disclosing about his family background and the factum of his earlier marriage. As the complainant was eager to marry, she insisted of a small ceremony being organized so that they could reside together. A simple ceremony was organized on 18th April, 2018, which was attended only by the sister of the complainant from her side and

subsequent to which they started residing together. However, the complainant got an FIR registered against him under Sections 406, 495, 498-A, 120-B IPC against the petitioner and other family members. In the said FIR, there is an allegation that all dowry articles had been retained by the mother-in-law, Daya Jairath.

4. It is further argued that the respondent No.2-complainant is relying upon an affidavit, which is patently false in which it is alleged that the petitioner had sworn in that he was single and unmarried. It is also argued that the petitioner herein was already married with one Neha and on account of matrimonial differences, a divorce petition was filed and a formal divorce has already been taken and therefore, the commission of offence under Section 494 IPC would not be maintainable.

5. Appearance has been caused on behalf of the complainant, who opposes grant of anticipatory bail to the petitioner by contending that a fraud has been played upon the complainant herein. It is submitted that the petitioner and the complainant became friendly, consequent to which a marriage was solemnized between the petitioner and the complainant and a marriage certificate was also issued to that effect. It is argued that the petitioner herein gave an affidavit that he was unmarried, while submitting that he was working in Dubai. It is also submitted that on the asking of the petitioner herein, the complainant who was working in Kotak resigned on the assurance given that she would accompany her husband to Dubai, however, that never happened. The petitioner had portrayed that he was working with the company in Dubai i.e. HCL Technologies Ltd. which is patently false and that all documents including appointment letters etc. with regard to employment with the aforesaid company were forged and fabricated. Even

marriage of the petitioner herein with Neha his earlier wife had not been dissolved when the marriage was solemnized with the complainant. It is further submitted that all allegations that the parties had not solemnized a marriage are patently false because the petitioner herein had filed a divorce petition in Agra. The petitioner duped the complainant at every stage.

6. Learned counsel appearing on behalf of the respondent-State opposes grant of interim bail to the petitioner by contending that the allegations levelled against him are serious in nature and therefore, his custodial interrogation would be required.

7. I have heard learned counsel for the parties and have also gone through the pleadings of the case. The petitioner herein tried to portray that he had not got married with the complainant and had only entered into an agreement to reside together, while contending that the affidavit, which bears his signatures cannot be relied upon. It is contended that in the absence of any marriage, question of commission of offence under Sections 406, 498, 494 IPC etc. would not arise whereas learned counsel appearing on behalf of the complainant would rely upon the affidavit, which apparently bears signatures of the petitioner herein in which it is categorically stated that he is unmarried. If the petitioner was unmarried, there was no need for him to file a divorce petition before the Family Court at Agra. In the said affidavit, it was also stated that he wanted to marry with Pinky Nain-complainant herein as per Hindu rites at Arya Samaj Mandir, Sector 22-B, Chandigarh. The allegations as set out in the FIR, which are detailed one, reflecting how the complainant has been duped would require to be investigated. Even the veracity of documents allegedly furnished by the petitioner with regard to

marriage and his employment with HCL Technologies Ltd. is required to be investigated for which his custodial interrogation would be required.

8. In view of the aforesaid facts and circumstances, no ground is made out for concession of anticipatory bail to the petitioner. Resultantly, the instant petition stands dismissed. Any observations made herein are only for the purpose of deciding the bail application, and not to be taken as a decision on merits.

(JAISHREE THAKUR)
JUDGE

September 02, 2021
Pankaj*

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