

CRM-18532-2021 &  
CRM-18535-2021 in/&  
CRM-M-22805-2021

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

**CRM-18532-2021 &  
CRM-18535-2021 in/&  
CRM-M-22805-2021**

**Date of Decision: 06.07.2021**

Deepinder Singh Sidana

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Navjot Singh, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Dr. Anmol Rattan Sidhu, Senior Advocate, with  
Mr. Pratham Sethi, Advocate, for the applicant/complainant.

*(proceedings conducted through video conferencing)*

**GURVINDER SINGH GILL, J. (Oral)**

**CRM-18532-2021**

For the reasons mentioned in the application, the same is allowed  
and the applicant is ordered to be impleaded as party respondent  
No.2. Amended memo of parties is taken on record.

**CRM-18535-2021**

In view of the reasons mentioned in the application, the same is  
allowed as prayed for and the documents are taken on record as  
Annexures A-1 to A-8.

**CRM-M-22805-2021**

1. The petitioner has approached this Court seeking grant of regular  
bail in respect of an offence under Section 376 IPC, which has  
been added subsequently in FIR No.399 dated 23.10.2019

registered at Police Station Zirakpur, District SAS Nagar, under Sections 420/494/465/468/120-B IPC.

2. The FIR was lodged at the instance of Preeti Sharma wherein it has been alleged that her marriage was solemnized with petitioner-Deepinder Singh Sidana on 05.11.2015, although, she had been residing with the petitioner in a live-in-relationship since August 2014. It is alleged that although the petitioner had always represented himself to be unmarried, but now she had come to know that the petitioner was already married.
3. Learned counsel for the petitioner has submitted that it is a case where the complainant had voluntarily entered into physical relationship on her own accord and in fact even before the marriage in the year 2015, she was in a live-in-relationship with the petitioner, when there was physical relation amongst them. Learned counsel has further submitted that the petitioner was granted bail by this Court vide order dated 27.11.2019 (Annexure P-2), when offence under Section 376 IPC had not been added and that the same has now been added after about 2 years and that there is no complaint whatsoever against the petitioner regarding any kind of misuse of bail or regarding any violation of the conditions of grant of bail.
4. Opposing the petition, learned State counsel and learned senior counsel representing the complainant/respondent No.2 have submitted that since it is a case where the petitioner solemnized marriage by misrepresenting his marital status to be 'single' and 'unmarried', whereas in fact he was already married at the time

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when he solemnized marriage with the complainant in the year 2015, therefore, any physical relationship even with consent, which has been obtained by way of misrepresentation or fraud would attract the provisions of Section 376 IPC and in these circumstances the petitioner does not deserve the concession of bail.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner had earlier been granted bail by this Court in this very FIR vide order dated 27.11.2019 and ever since he has not misused the concession of bail. Further, after his re-arrest in May, 2021, the petitioner in any case has been behind bars since the last about 2 months. The question as regards the misrepresentation or as to whether the petitioner had disclosed or concealed the factum of his previous marriage, is a matter of evidence and would be debatable. In these circumstances, further detention of the petitioner will not serve any useful purpose as conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**06.07.2021**

Vimal

**(GURVINDER SINGH GILL)**  
**JUDGE**

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