

202-B

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

-.-

CRM-M-38509-2020 (O&M)

Date of decision : 14.01.2021.

Jaspal Kaur

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ishan Thakur, Advocate, for
Mr. L.S.Sidhu, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

On 27.11.2020, the following order was passed:-

“ *Heard through video conferencing.*

The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.144 dated 21.08.2020 registered under Sections 420, 120-B of the Indian Penal Code, 1860 at Police Station Jhunir, District Mansa.

Learned counsel appearing on behalf of the petitioner has contended that the petitioner has falsely been implicated in the present case and that infact no money was handed over to the petitioner and the petitioner had no role to play. The learned counsel would further contend that even as per the allegations in the FIR there was no wedding ritual and only a ‘Chunni’ ceremony is alleged to have been performed and the girl was sent with the complainant as his wife and hence the allegations, on the face of it, are false. The learned counsel would further contend that for a valid marriage as per Sikh rituals the Laavan are a prerequisite.

On 23.11.2020 notice of motion was issued and this case was ordered to be heard with a petition for anticipatory bail filed by a co-accused i.e. CRM-M-35169-2020 (Manjit Kaur @ Manju vs. State of Punjab).

A status report has been filed by way of affidavit dated 26.11.2020 of Sanjeev Goel, PPS, Deputy Superintendent of Police, Sub Division Sardulgarh, District Mansa wherein it has been stated that the accused in the present case is a member of a gang which is habitual of cheating innocent people by performing illegal marriages after taking huge amounts of money and by changing the name of the bride, impersonating parents of the bride and without taking divorce from their earlier husbands and, after a few days of marriage, these gang members would abscond after taking the valuable articles from the house of the bride-groom. According to the status report, there are two other cases pending against the petitioner being FIR No.131 dated 22.08.2020 under Sections 420, 120-B IPC registered at Police Station Sadar Budhlada and FIR No.150 dated 09.08.2020 under Sections 420, 384, 120-B IPC registered at Police Station Boha.

The present FIR does not mention any valid marriage ceremony of the complainant having taken place on 09.08.2020. Even as per the allegations in the FIR, only a 'Chunni' ceremony was performed on 09.08.2020 in the Gurudwara premises and thereafter the girl is alleged to have accompanied the complainant to his home as his wife. There is no mention of a Laavan having taken place though the parties were present in the Gurudwara premises.

List on 14.01.2021.

Meanwhile, the petitioner shall join investigation and would come present as and when called for. In the event of arrest, the petitioner shall be admitted on bail on furnishing adequate surety and personal bond to the satisfaction of the

Arresting Officer. The petitioner shall abide by all terms and conditions as specified under section 438(2) of the Criminal Procedure Code, 1973.”

Learned counsel for the State, on instructions from ASI-Paramjit, has stated that the petitioner has since joined investigation on 06.01.2021 and that she is no longer required for further investigation as of now. He has further stated that there is no other case pending against the petitioner.

In view of the above, the order dated 27.11.2020 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

Disposed off accordingly.

January 14, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No