

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201(2 cases)

Date of decision : 19.12.2022

1.

CRM-M-14297-2022

Dr. Sandeep Kumar

..... Petitioner

V/S

State of Punjab

..... Respondents

2.

CRM-M-6361-2022

Sultan Singh and Anr.

..... Petitioners

V/S

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Rahul Jaswal, Advocate, for the petitioner(s).

Mr. M.S.Joshi, Addl. A.G. Punjab

AMARJOT BHATTI J. (ORAL)

This order shall dispose of both the petitions as the same are arising out of the same FIR.

The petitioners-Dr. Sandeep Kumar (in CRM-M-14297-2022) and Sultan Singh and Roshni Devi (in CRM-M-6361-2022) have filed the instant petitions under Section 438 of Cr.P.C. for grant of concession of anticipatory bail in FIR No.1 dated 11.01.2022, registered under Sections 498-A, 406, 494, 34 IPC at Police Station Women Cell, District Bathinda.

The facts of the case are that the complainant-Kavita Rani filed written complaint against her husband-Dr. Sandeep Kumar and others alleging that she is a physically handicapped lady and doctor by

profession. Dr.Sandeep Kumar is also BAMS doctor. Their marriage was performed on 13.02.2018. She was given gold jewellery, cash amount, furniture and other household articles. She was harassed and maltreated by her husband and members of in-laws family with the demand of Rs.20 lacs from her parents, as her husband wanted to set up a hospital. They started maltreating her by alleging that the marriage was not performed as per their status. She was compelled to fulfill their demand. Ultimately, a divorce petition was filed under Section 13B of Hindu Marriage Act on 20.10.2020. The said petition was withdrawn on 22.04.2021, as her husband wanted to persuade her family to take her back as his wife. She was taken on a trip to Sri Amritsar Sahib. He introduced her with a girl namely Aditi as his patient. She disclosed to her that the matter was being compromised with her husband-Dr. Sandeep Kumar and they had started living together. On 30.05.2021, Sandeep Kumar left her to her parental house with the assurance that he will come to take her. Thereafter on 11.10.2021, Sandeep Kumar suddenly came to her parents house and disclosed that he had performed second marriage with Aditi. She has also come to know that the marriage was performed on 07.07.2021. He has performed second marriage during the subsistence of first marriage and he has also embezzled her dowry articles. With these allegations present FIR has been registered.

Learned counsel for the petitioner(s) argued that all the allegations levelled against them are false. The divorce petition was filed under Section 13-B with mutual consent on payment of Rs.4,50,000/- to the complainant i.e. Rs.2,25,000/- on first motion and

remaining Rs.2,25,000/- on second motion. The complainant received Rs.2,25,000/- thereafter, she refused to give statement on second motion. She did not return back the money received by her on first motion. All the allegations levelled against him and his parents are false. They have already joined the investigation as per the directions of the court, they will abide by the terms of the bail order and it is prayed that their anticipatory bail applications may be allowed.

The learned counsel for the complainant opposed the bail applications by alleging that there are photographs clearly showing that Dr.Sandeep Kumar performed second marriage without taking divorce from his first wife i.e. the complainant. The parents also fully participated in the said marriage. The dowry articles are yet to be recovered. Therefore, they are not entitled to be released on anticipatory bail.

The learned state counsel filed the status report in CRM-M-14297-2022 giving details of the facts and it is further stated that he has already joined the investigation twice.

I have considered the arguments advanced before me. It is a matter of record that Dr.Sandeep Kumar was granted ad-interim anticipatory bail as per order dated 05.04.2022 whereas, Sultan Singh and Roshni Devi were also granted ad interim anticipatory bail vide order dated 15.02.2022. It is further not disputed that both husband and wife had filed petition under Section 13-B of Hindu Marriage Act, in which the complainant received Rs.2,25,000/- at the time of recording of her statement on first motion and thereafter, she did not appear for recording of her statement on second motion. There are photographs in

the bail application showing marriage of Dr.Sandeep Kumar with another girl. There is nothing on record to show that Dr. Sandeep Kumar took divorce from his first wife i.e. the complainant Kavita Rani. The allegations against the petitioners can be decided after recording of evidence. As per now the aforesaid petitioners have already joined the investigation. Therefore, without expressing my mind on the merits of the case the interim anticipatory bail already granted to the petitioners stands confirmed, subject to the conditions enshrined under Section 438(2) of Cr.P.C.

Accordingly, the present petitions stand disposed of.

A photocopy of the order be placed on the file of other connected case.

(AMARJOT BHATTI)
JUDGE

19.12.2022
Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No