

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(105)

CRM-M-7099-2022

Date of decision: 21.02.2022

Pargat Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanjeev Kumar Arora, Advocate for the petitioner.

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SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.09 dated 19.01.2022, registered for offence under Section 376 of the Indian Penal Code, 1860, at Police Station Sadiq, District Faridkot (Annexure P-1).

Criminal law has been set in motion on the basis of a complaint by a 44 year old widow on the allegation that her husband expired in 2005 and she has two children from him. She had no source of income and has been working in a mill to make both ends meet and bring up her children. Pargat Singh (present petitioner), who is a resident of her village, knew her economic condition, told her that he had divorced his wife and wants to start his life afresh with her and promised to look after her children. She was beguiled by his words, reposed faith in him and accepted his proposal

for marriage. In 2012, he took her to Bauli Sahib Gurudwara and made a sham of marrying her. However, he did not permit any taking of their photographs because he told her that as he is a Government employee, he did not want to disclose the second marriage. Though, he was stationed at Ferozepur, he did not take her along and she continued to live at her house, where he used to visit her and had physical relations with her. Whenever she insisted on being taken to the matrimonial home, he used to put it off on one pretext or the other. She got pregnant many times and he forced her to take pills to abort the foetus. On 26.06.2020, when she was standing at a bus stand, she was surrounded by Jagbir Kaur, wife of the petitioner and his daughters, Gagandeep Kaur and Manjot Kaur, who abused her, using casteist words. She realized that Pargat Singh had not divorced his first wife and when she confronted him, he got into a rage and asserted that he is a police officer and nobody could harm him. It has been alleged that by misusing his position, Pargat Singh has raped and exploited her.

Counsel for the petitioner contends that the complainant is a mature lady with grown up children and stayed with the petitioner on her own accord and willingly entered into sexual relations with him. He submits that she filed a petition (Annexure P-2) under Section 125, Cr.P.C., wherein she has averred that she is a lawfully wedded wife of the petitioner and has claimed maintenance from him. It is his argument that the version of the incident, when the complainant came in contact with the wife of the petitioner as narrated in the petition (Annexure P-2) is at variance from the version given in the FIR.

Heard counsel for the petitioner.

Petitioner has not denied the fact that he is a married man and has two daughters from the wedlock. Allegation against him is that he has suppressed his marital status, won over the confidence of the prosecutrix fraudulently, made a farce of marriage and got into physical relation with her. Allegations levelled against him in the FIR are very categoric and the circumstances under which the prosecutrix met his first wife are not relevant for the purpose of deciding the present petition.

Keeping in view the totality of the above facts and circumstances, this Court is of the view that discretionary relief of anticipatory bail cannot be granted to the petitioner.

Petition is dismissed.

It is clarified that nothing said herein above shall be construed to be an expression on merits of the case.

(SUVIR SEHGAL)
JUDGE

21.02.2022
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes

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