

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11622-2022 (O & M)

Date of decision: 27.04.2022

Gurpreet Singh Bhullar

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Harneet Singh Oberoi, Advocate, for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition is for the grant of regular bail under Section 439 Cr.P.C. in a case bearing FIR No.5 dated 05.07.2010 under Sections 419, 420, 465, 466, 468, 471, 474, 120-B IPC registered with Police Station NRI (Urban), Jalandhar.

The brief facts of the case are that Rajinder Kaur wife of Gurpreet Singh Bhullar, the present petitioner, got registered the aforementioned FIR with the allegations that her marriage was solemnized with the petitioner in Italy on 30.11.2007 and was brought to the notice of Indian Consulate in Milan, Italy on 31.03.2008. The petitioner started harassing and beating her due to which she made various reports to the police. She had been forcibly aborted and harassed mentally and physically. It was further contended that Gurpreet Singh was illegally staying in Italy and used to pressurize her for obtaining citizenship of Italy.

As per her complaint, her relative Balbir Singh son of Gurdeep Singh informed her that the petitioner in connivance with the other accused, namely, Harjinder Singh, Balbir Kaur, wife of Harjinder Singh and Meet Pal Singh, Advocate, Jalandhar had committed cheating and forgery by showing that they got married on 14.12.2008 and a fake marriage certificate obtained from the Office of Tehsildar, Jalandhar in this regard, had been used by him in Italy. She contended that on 14.12.2008 her marriage was not solemnized with the petitioner as she had not come present in the Office of Tehsildar, Jalandhar and was, in fact, in Italy. She prayed that legal action be taken against the petitioner.

During the course of investigation, Meet Pal Singh, Advocate was arrested whereas Harjinder Singh and Balbir Kaur, parents of the present petitioner were declared innocent. The Challan, in the present case was submitted against Meet Pal Singh on 30.11.2011 whereas the petitioner was declared a proclaimed offender on 04.05.2012. On return to India on 08.02.2022, the petitioner-Gurpreet Singh Bhullar was arrested at Guru Ram Dass International Airport, whereas his passport No.L9492580 was taken into police possession. Pursuant to the arrest of the petitioner, a report under Section 173(8) Cr.P.C. was prepared on 24.02.2022 against him and has since been presented in the Court.

The learned counsel for the petitioner contends that the present FIR is on account of a matrimonial dispute between him and his ex-wife Rajinder Kaur, the complainant. The preparation of the document, in dispute, was in Jalandhar i.e. the place of residence of the complainant whereas the petitioner belongs to Kapurthala. Thus, the document, if at all,

had been prepared by the complainant and her family members to falsely implicate him. He also contends that Meet Pal Singh, Advocate, who faced the trial, had been acquitted by the Court of Chief Judicial Magistrate, Jalandhar vide its order dated 03.03.2015 (Annexure P-2). He argued that there is a delay of one and a half years in the registration of the FIR and the petitioner's documents have been misused by the complainant and her family members though no loss has been suffered by anyone. It is lastly contended that the petitioner is in custody since 08.02.2022, his passport has already been surrendered to the investigating agency and as many as 14 prosecution witnesses are yet to be examined. Thus, the further incarceration of the petitioner is, as such, not required and he should be granted the concession of regular bail.

The learned counsel for the State, on the other hand, states that the petitioner has been absconding for the last 10 years. He, however, admits that the FIR is arising out of a matrimonial dispute between the parties. He also admitted that the passport of the petitioner is in the custody of the investigating agency.

I have heard the learned counsel for both the parties.

A perusal of the FIR would reveal that the complainant has admitted that there is a matrimonial dispute between her and the petitioner. Admittedly, both the parties were residing in Italy together after a valid marriage. The co-accused of the petitioner already stands acquitted and the petitioner has now been in custody since the last almost three months. As many as 14 prosecution witnesses are yet to be examined and, therefore, the

Therefore, no useful purpose would be served by keeping the petitioner in custody.

Keeping in view the aforementioned facts and without going into the merits of the case, the present petition is allowed and the petitioner, namely, Gurpreet Singh Bhullar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

(i) *The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and shall furnish an affidavit each time that he is not involved in any other crime other than the present case during the time he was on bail.*

(ii) *The petitioner shall disclose his mobile phone number, landline number and any other phone number used by him to the investigating agency and shall be accessible to the investigating agency at all time till the conclusion of the trial;*

(iii) *The petitioner shall furnish a bank guarantee in the shape of FDR in the sum of Rs.20,00,000/- in favour of the Chief Judicial Magistrate concerned within a period of three days of his release from custody which shall be returned to him after the trial has concluded.*

(JASJIT SINGH BEDI)
JUDGE

April 27, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No