

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

CRM-M-12126-2022

Date of decision : 23.03.2022

Rohit Kumar

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Virender Soni, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.13 dated 11.01.2022, under Sections 323, 406, 494, 498-A, 506 of Indian Penal Code, 1860, registered at Police Station Pehowa, District Kurukshetra.

It has been contended by counsel for the petitioner that petitioner is falsely implicated in the present FIR. He submits that his wife is the author of the FIR. The marriage in question took place in the year 2010, however, on account of the misunderstanding between the husband and wife, the present FIR was lodged on the basis of false and frivolous allegations of causing harassment, beating the complainant and demand of dowry. He submits that though the petitioner since beginning is ready to settle the dispute amicably, however, the complainant not being ready, the same could not be settled. Learned counsel submits that the allegations against the petitioner of having married with another woman Santoshi is

factually incorrect. Rather, he has submitted that the petitioner is in

live-in-relationship with Santoshi and they approached this Court for issuance of writ in the nature of mandamus directing the official respondents to protect their life and personal liberty. He submits that the petitioner has never been involved earlier in any of such case and no case for the custodial interrogation is made out. Hence, he deserves to be granted bail.

After hearing counsel for the petitioner and perusing the record, it is apparent that the marriage in question took place in 2010 with the complainant Saroj Bala. Admittedly, the petitioner is in live-in-relationship with another woman regarding which, he also approached this Court by way of filing the criminal writ petition for seeking the protection of their life and liberty. The complainant-wife has lodged the present FIR wherein, it is specifically alleged that she was duly married with the petitioner in 2010. However, subsequent to the marriage, the petitioner and his family members started harassing her and they misbehaved with her. Thereafter, she became mother of a girl child and she was again humiliated by giving the unbearable taunts that instead of birth to a son she has given birth to a girl. She specifically alleged that the petitioner-husband used to harass and beat her on account of demand of dowry. She further specifically alleged that the petitioner in connivance with his parents hatched a conspiracy and performed the marriage with another woman Santoshi without giving divorce to her. The petitioner has approached this Court for the grant of anticipatory bail. The relationship with another woman is not denied. Besides this, the allegations are regarding causing harassment to the petitioner.

For the consideration of the anticipatory bail, the Court has to adhere to the parameters enumerated in the statutory provisions of Section 438(1) Cr.P.C. The factors to be taken into consideration of the anticipatory

bail are like gravity of the offence, antecedents of the accused, his chances of fleeing from the justice, and the probabilities of tampering with the evidence. The facts and circumstances of the present case when evaluated on the anvil of the statutory parameters do not qualify for the grant of anticipatory bail to the petitioner. Resultantly, this petition being devoid of any merit is hereby dismissed.

23.03.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No