

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

**CRM-M-30861-2022
Date of Decision: 19.09.2022**

BALJEET KUMAR

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Shruty Bhimwal, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. J.S.Thakur, Advocate, for the complainant.

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VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No. 86 dated 14.05.2022 under Section 376 IPC, registered at Police Station City 1 Abohar, District Fazilka.

On 17.08.2022 following order was passed:

“Status report by way of affidavit of Sukhwinder Singh, Deputy Superintendent of Police, Sub-Division Abohar, District Fazilka has been placed on record.

Briefly, the FIR has been registered on the allegations that the marriage of the prosecutrix was solemnized about 04 years ago and the it ended in divorce in the same year. The petitioner, who is working as Plumber, had been on visiting terms. He had entered into physical relationship with the prosecutrix on the false pretext of marriage.

Learned counsel for the petitioner contends that the marriage of the prosecutrix was still subsisting. Although, the petitioner was in consensual relationship with the prosecutrix, but he could not solemnize marriage with her on account of subsisting marriage of the prosecutrix. The marriage of the prosecutrix never ended in a divorce, in accordance with law.

On a query as to whether the marriage of the prosecutrix with her husband was ended in a divorce by a decree of divorce, in accordance with law, learned State

counsel submits that the prosecutrix has been asked to submit such documents, but till date no such document has been submitted by her.

Learned counsel appearing for the complainant submits that the marriage of the prosecutrix was dissolved by means of Panchayati divorce. However, he fairly acknowledges the fact that the marriage was never dissolved by a decree of divorce, in accordance with law.

Adjourned to 19.09.2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Learned State counsel has not disputed the aforesaid factual aspect as asserted by the learned counsel for the petitioner and further contends that the petitioner has joined the investigation and his custodial interrogation is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 17.08.2022 is made absolute.

19.09.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No