

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

CRM-M-37189-2022

Date of decision : 29.08.2022

Surjit Singh

.....Petitioner

versus

State of UT, Chandigarh

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sandeep Singh Jattan, Advocate and
Ms. Navneet Kaur, Advocate
for the petitioner.

Mr. Ankur Bali, Addl. PP, UT Chandigarh.

Mr. Charanpreet Singh, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.59 dated 19.06.2022, under Sections 495, 498-A of IPC, registered at Women Police Station Sector-17, Chandigarh.

Reply filed by learned counsel for the complainant is taken on record.

As per the facts of the case, the complainant filed the complaint before the Senior Superintendent of Police, UT Chandigarh wherein, she alleged that her marriage took place with Surjit Singh on 18.06.2021. Before the marriage, she was informed that Surjit Singh was unmarried. However, after the marriage, she was shocked to know that it was not the first marriage of the accused Surjit Singh with her

but the fourth marriage. She was physically and mentally harassed by the husband and his father. Accused Surjit Singh sexually abused her. Besides this, she gave details of harassment caused to her. She filed complaint with a prayer to take the legal action against the accused. On the basis of the same, FIR was lodged. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Chandigarh for grant of bail. After hearing both the parties, learned Additional Sessions Judge declined the same vide his order dated 8th August, 2022. Aggrieved by the same, the petitioner approached this Court praying for grant of regular bail.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case. He submits that the allegations made in the FIR are false and frivolous. He has submitted that it was a simple wedding ceremony and hence, there was no question of any dowry. He submits that this was the third marriage of the petitioner and his first marriage was dissolved by mutual divorce in the year 2019. He submits that the complainant was very much aware of the earlier marriage of the petitioner. However, she has levelled false allegations of concealing these facts from her. He submits that the allegations were thoroughly investigated by the police and the same were found to be false. He has submitted that the petitioner has no criminal antecedents and hence, he deserves to be granted anticipatory bail.

Learned counsel for the complainant has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner has concealed the material facts from the complainant that this was his fourth marriage with her and this amounts to

offence under Section 376 IPC as he remained with her for about 60 days. He has submitted that the petitioner is not only being prosecuted for the offence under Section 498-A IPC, however, for the offence under Section 495 IPC as well for which the maximum punishment can be upto 10 years rigorous imprisonment. He has submitted that the petitioner is habitual of cheating innocent girls and thus, he does not deserve any leniency and therefore, the prayer for the pre-arrest bail be declined.

Learned State counsel has also opposed the submissions made by counsel for the petitioner. He, on instructions from ASI Ram Lubhaya, has submitted that the investigation is complete and challan is likely to be filed within four days.

I have heard counsel for the parties and perused the record. The allegations against the petitioner are that he has not only caused physical and mental harassment to the complainant, but also concealed everything about his earlier marriages. During the course of arguments, counsel for the petitioner agreed that this is his third marriage with the complainant. However, counsel for the complainant submitted that this is his fourth marriage. *Prima facie* there is no doubt that the petitioner was already married before tying the matrimonial knot with the complainant, however, he has asserted that these facts were already disclosed to the complainant and thus, there was no concealment.

The trial would take sufficiently long time in its conclusion. The veracity of the allegations would be assessed by the trial Court only after the conclusion of the investigation. This Court would refrain itself from commenting anything on the merits of the case. However, in the overall facts and circumstances of the case, this Court is convinced that

the counsel for the petitioner succeeds in making out a case for grant of regular bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

29.08.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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