

CRM-M-7124-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(215)

CRM-M-7124-2023.

Date of Decision:-15.02.2023.

Zafar Iqbal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Mohd. Yousaf, Advocate for the petitioner.

Mr. Arun Gupta, AAG, Punjab, assisted by
ASI Roop Singh.

ALOK JAIN, J. (Oral)

The present petition is for grant of regular bail to the petitioner in case bearing FIR No.122 dated 15.10.2016 under Sections 406 and 498-A of IPC, registered at Police Station Women cell, Ludhiana District Ludhiana.

Mr. Sherry K. Singla, Advocate, has put in appearance on behalf of the complainant and filed his *Vakalatnama*, which is taken on record.

Briefly stating the facts of the present case are that the petitioner was granted bail in the present case vide order dated 26.04.2017. For execution of the said order, the petitioner deposited the bail bonds and surety of one Mr. Ajay Sharma for a sum of ₹ 50,000/-. However, subsequent thereto, while being on regular bail, the petitioner absented himself from the proceedings on multiple occasions and despite best efforts,

CRM-M-7124-2023

he could not be traced. The learned trial Court ultimately declared the petitioner as proclaimed offender on 26.09.2019 and even thereafter, the petitioner did not bother to submit himself to the proceedings. Before the proclamation proceedings could be culminated, the trial Court, vide order dated 15.02.2018, dismissed the bail granted and the bail and surety bonds were cancelled/forfeited to the State. It later on transpired that affidavit dated 20.08.2019 was filed by one Mr. Ajay Kumar, who was stated to have stood as surety to the applicant-accused, wherein he stated, that he never stood as a surety for the applicant/accused and the photograph annexed on the bail bonds was not his photograph and moreover, the property shown in the surety bond also did not belong to him.

Learned counsel for the State, with the assistance of counsel for the complainant, has further submitted that in fact the petitioner was roaming freely and with much difficulty, he was arrested on 03.12.2022.

Learned counsel for the complainant has submitted that despite the petitioner not being divorced from his first wife and having a child from the first wife, he has illegally solemnized the second marriage and has two children from the second marriage also. He further submits that the petitioner has not even discharged his liability, as ordered under the provisions of Section 125 of Cr.P.C.

Per contra counsel for the petitioner submits that the petitioner is entitled to get remarried as per the customary Mohammedan Law and, therefore, the same is not an embargo. Learned counsel for the petitioner further relied upon the following judgments passed by the Co-ordinate Bench of this Court to substantiate his arguments:-

1. Gagandeep Singh @ Kaula Vs. State of Punjab, 2021 (2)

CRM-M-7124-2023

Law Herald 1209, decided on 01.03.2021.

2. *Lakhan Vs. State of U.T., Chandigarh 2020 (3) R.C.R.*

(Criminal) 334 decided on 17.06.2020.

3. *Ranjit Singh @ Laddi Vs. State of Punjab, 2019(1) Law*

Herald 914, decided on 01.02.2019.

Learned State counsel has further submitted that the evidence is yet to be recorded and the next date of hearing is 27.02.2023 and has also vehemently opposed the bail to a person who plays hide and seek with the Court.

Having heard the learned counsel for the parties, I do not find any ground to grant the concession of regular bail to the petitioner. The judgments relied upon by learned counsel for the petitioner do not support the plea of the petitioner as the same relate to the case where the accused had jumped the bail and was declared as proclaimed offender. However, in the peculiar facts and circumstances of this case, wherein the petitioner repeatedly hoodwinked the process of law and has forged the bail bond and surety and despite being aware of being declared a proclaimed offender, solemnized another marriage, which shows that petitioner has scant respect for law. It is a settled proposition that a person who approaches the Court for grant of relief has to come with clean hands and not with an ill motive to defeat the law.

In light of the above, the present petition is dismissed.

(ALOK JAIN)
JUDGE

February 15, 2023.

Sandeep

Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No