

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

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CRM-M-7205-2023

Date of Decision: 03.03.2023

Rajan Rai @ Rajan Sharma**...Petitioner****Versus****State of Punjab and Another****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Ashish Pal Kaushal, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by HC Sukhpal Singh)

JAGMOHAN BANSAL, J. (ORAL)

Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No. 0184 dated 07.10.2022, under Sections 406 and 498-A IPC, registered at Police Station Model Town, District Ludhiana.

The case of prosecution is that complainant moved a complaint to Police Commissionerate Ludhiana alleging that she was married to Rajan Rai @ Rajan Sharma on 11.10.2021 and from this wedlock no child was born. At the time of marriage, a sum of Rs. 6-7 lakh was spent. The complainant at a later stage came to know that petitioner was already married to another lady. The father-in-law of the complainant when was confronted with this fact got perplexed and admitted that Rajan Rai @ Rajan Sharma was already married. The complainant was subjected to mental and physical cruelty.

Learned counsel for the petitioner inter alia contends that police has conducted investigation and no evidence of second marriage has been found which is evident from the fact that no Section qua second marriage has been invoked. No offence of dowry is made out against the petitioner and allegation of second marriage is false. It is a case of misunderstanding between the parties. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

The petitioner vide order dated 10.02.2023 was directed to join investigation.

Learned State counsel, on instructions from HC Sukhpal Singh, submits that petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 10.02.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

03.03.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>