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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11738-2021

Date of Decision:- 20.03.2023

HARJEET SINGH

...Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. R.S. Birdi, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Gursheer Singh Bhandal, Advocate for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioner – Harjeet Singh has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 16 dated 07.02.2021, under Sections 406, 498-A and 494 of IPC, registered at Police Station Women Cell, Ludhiana, District Ludhiana.

As per the facts of the case, the complainant – Baljit Kaur gave her statement to the police against Harjeet Singh and others, alleging that she got married on 01.11.2015 with Harjeet Singh according to Sikh rites. Her parents had given dowry consisting of household articles, gold ornaments etc at the time of marriage. Her parents had given gold rings, cash amount etc as shagun at the time of engagement. Her parents had spent huge money on her marriage beyond their capacity. Harjeet Singh was serving in Indian army. She started residing in her in-laws house. They were unhappy with the dowry articles. Her husband stayed with her only for 13 days and thereafter, he went to his place of posting at Patiala. The behaviour of accused No.2 and 3 changed altogether. She was taunted that dowry

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articles of inferior quality were given. She had to face domestic violence. In December 2015, her husband came. During this period, she became pregnant. They wanted a male child in the family. She was ill treated during this period. She gave birth to daughter on 06.08.2016. The accused raised demand of Rs. 10 lacs to purchase a car. They were unhappy with the birth of female child. They wanted to get rid of her. Her mother-in-law kept the gas burner open and tried to kill her. Ultimately, she started residing in her parental house along with her minor daughter. The accused No. 1 in connivance with other accused performed second marriage with Rajbir Kaur on 10.04.2020. He did not take divorce from her before performing marriage with other girl. Her entire istridhan has been misappropriated by the accused. Ultimately, the present FIR has been registered.

Learned counsel for the petitioner denied the allegations. It is further claimed that he did not perform second marriage. He has already joined the investigation. The dowry articles are also recovered in this case. He is ready to abide by the terms of bail order. It is prayed that his anticipatory bail application may be allowed.

The bail application is opposed by learned counsel representing the State as well as learned counsel representing the complainant on the ground that gold ornaments are yet to be recovered. There are serious allegations that he performed second marriage with another girl without taking divorce from the complainant. In fact, the petitioner has filed false affidavit that he has not performed second marriage. The petitioner is required to join further investigation. His custodial interrogation is required. Therefore, his anticipatory bail application may be dismissed.

I have considered the arguments and have gone through the record carefully. In the case in hand, the matter was referred to mediation

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for reconciliation but it failed. The petitioner was granted *ad interim* bail vide order dated 07.09.2021. As per the directions of this Court, he has already joined the investigation. The status report further shows that he joined the investigation on 14.09.2021. Regarding performing of second marriage, it is argued that the Investigating Officer has investigated and during inquiry recorded the statement of Granthi Gurpreet Singh and also obtained CCTV footage and the marriage certificate issued by the Granthi is also collected. In the status report, it is mentioned that after completion of investigation, challan will be presented. Learned counsel representing the State has also placed on record the memo dated 03.03.2021 vide which dowry articles recovered in this case are mentioned. However, it is claimed that gold ornaments are yet to be recovered. The aforesaid facts clearly indicate that the petitioner joined the investigation. The factum regarding performing of second marriage during the subsistence of first marriage is matter of trial, which is to be decided after recording of evidence. The dowry articles are recovered. In case, there is entrustment of other articles or its embezzlement, that is again matter of trial. The petitioner is army personnel. He is not likely to abscond and he is still ready to cooperate with the investigation. Therefore, the *ad interim* bail already granted in favour of the petitioner Harjeet Singh vide order dated 07.09.2021 stands confirmed, subject to the conditions as enshrined under Section 438(2) Cr.P.C.

The petition is, accordingly, accepted.

20.03.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No