

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.:201

Criminal Miscellaneous No.M-35687 of 2023

Date of Decision: *September 14, 2023*

Tejpal Singh

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Manjot Singh Gujral, Advocate for the petitioner.

Mr. Karan Puggal, AAG, Punjab.

Mr. Ankur Sharma, Advocate for the complainant.

. . .

Tribhuvan Dahiya, J. (Oral)

This is a second petition for grant of regular bail to the petitioner in case FIR No.9 dated 07.04.2022, registered under Sections 420, 376, 406, 493, 495, 496 IPC, at Police Station NRI, District Mohali.

2. The allegations against the petitioner are that he was already married prior to solemnization of marriage with the complainant on 21.10.2019. It has also been alleged that in the marriage certificate, the petitioner concealed the fact about his earlier marriage.

3. Learned counsel for the petitioner contends that his earlier marriage with a lady named Garima Singh was declared a nullity by the Court vide judgment and decree dated 04.01.2017, Annexure P-3. The complainant was very much aware about his second marriage with one

Gurpreet Kaur on 08.02.2011; the fact is mentioned in the FIR itself. The second marriage lasted only for two months when his wife went abroad never to return. Learned counsel further contends that the petitioner was earlier granted regular bail by this Court vide order dated 31.05.2023, Annexure P-9. However, at that time due to inadvertence it could not brought to the Court's notice that vide commitment order dated 15.03.2023, the Magistrate found *prima facie* offences are made out against the petitioner under Sections 376, 406, 420, 493, 495 and 496 IPC. At the same time, it was found that offence under Section 494 was not made out as the complaint had not been moved by the first wife. Accordingly, the case was committed to the Court of Sessions. It is on this account that the instant petition for regular bail has been moved again in the same case.

4. Learned State counsel, assisted by learned counsel for the complainant, on instructions from SI Amandeep Singh, submits that investigation of the case is over and challan stands filed. The trial is fixed for 25.09.2023, and there are thirteen prosecution witnesses to be examined. The petitioner is in custody since 03.10.2022. It is not denied that FIR No.20 dated 31.01.2015, registered against the petitioner under Sections 342, 323, 498 and 495 IPC, pertains to his second marriage, which has been declared a nullity. A petition for quashing of the said FIR on the basis of compromise has also been filed which is still pending before this Court, since the complainant has not appeared in the matter and is stated to have left the country.

5. The submissions made by learned counsel for the parties have been considered.

6. The investigation in the case is already over, and trial of the case will take some time to conclude as charges are still to be framed. The petitioner is not required for effecting any recovery, and no useful purpose will be served by confining him to custody any longer. Besides, it appears only account of *bona fide* mistake all the relevant facts could not be placed before the Court by the parties.

7. Accordingly, petition is allowed and the petitioner is directed to be released on regular bail subject to the satisfaction of the trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

September 14, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No