

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

206

CRM-M-48451-2022

Date of Decision: 21.04.2023

Vishal Gulati @ Vishal Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Kuldip Singh Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Suresh Kumar)

Mr. Gaurav Tyagi, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. On 27.10.2022, the following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.117 dated 06.08.2022, registered under Sections 406/498-A/494 IPC, 1860 at Women Police Station, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 22.04.2015 and a son has been born from the wedlock. The FIR has been lodged on the basis of false allegations.

Notice of motion.

Mr. Hittan Nehra, Addl. AG, Punjab accepts notice on behalf of the respondent-State.

Mr. Ashok Tyagi, Advocate has put in appearance on behalf of the complainant and filed memo of appearance and submits that the petitioner has solemnized second marriage and is also having a child from the second wedlock.

An adjournment has been requested to file reply in the matter.

Adjourned to 15.11.2022.
Reply, if any, be filed in the meantime.”

2. By order dated 13.01.2023 passed by this Court, the matter was referred to Mediation and Conciliation Centre of this Court, however, mediation proceedings could not fructify.
3. Learned counsel for the complainant submits that complainant is suffering from Breast Cancer and petitioner, instead of taking care of her, has thrown her out and has solemnized second marriage without dissolution of first marriage.
4. Learned counsel for the petitioner could not controvert afore-stated facts.
5. In view of peculiar facts and circumstances, especially keeping in view the fact that complainant is suffering from Breast Cancer and petitioner in place of taking care of her, has solemnized second marriage, thus, the present petition deserves to be dismissed and accordingly dismissed.
6. 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

21.04.2023
Mohit Kumar

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