

CRM-M-47669-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47669-2023 (O&M)
Reserved on : 23.11.2023
Date of decision : 02.12.2023

Vivek Anand ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Manoj Kumar Taya, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG Haryana.

ALKA SARIN, J.

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.86 dated 05.07.2023 under Sections 34, 342, 377, 406, 498-A, 506 of the Indian Penal Code, 1860 (Sections 376(2)N, 494 of IPC added later on) registered at Police Station Women Police Station Karnal, District Karnal (Annexure P-1).

2. The allegations in the present case are that the petitioner is in the habit of trapping girls and then exploiting them sexually. There are also allegations of indecent videos of the complainant having been prepared and

pledging her ornaments without her consent.

3. The learned counsel for the petitioner would contend that the present is a matrimonial discord and that totally false allegations have been made against the petitioner. The learned counsel for the petitioner during the course of arguments was not in a position to deny that the present marriage was solemnized during the pendency of his first marriage with one Surbhi Kanswal and the same was also registered with the office of Registrar, Compulsory Registration of Marriages, Dehradun and the same has not been dissolved till today.

4. The learned counsel for the State has referred to the status report wherein it has been stated that despite the subsistence of the first marriage, the petitioner solemnized his marriage with the complainant and got the same registered with the Marriage Registrar, Municipal Corporation, Karnal.

5. Heard.

6. In the present case grave allegations have been made by the complainant in the FIR. It is the allegation that the petitioner has sexually abused the complainant by faking marriage. It has also come in the status report that the first marriage of the petitioner is still subsisting. However, marriage was solemnized with the complainant and the same was also got registered. Registration of the marriage could not have been got done without the active connivance of the officials concerned. The marriage of the complainant cannot be said to be a legally valid marriage in view of the admitted case that the previous marriage is still subsisting.

7. In view of the above, I do not find this to be a fit case for grant of anticipatory bail to the petitioner. The present petition being devoid of merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

02.12.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO