

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(106)

CRM-M-6739-2024
Date of Decision:-08.02.2024

Jawaharlal and another
.....Petitioners

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. A.S. Sandhu, Advocate for the petitioners.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.0351 dated 16.11.2023 under Sections 494, 420 and 120-B of the Indian Penal Code, 1860, registered at Police Station Derabassi, District SAS Nagar.
2. Learned counsel for the petitioners has opened his argument by submitting that petitioner No.1 has two sons, one namely Jayant Vijay and the other namely Priyanshu. It is his positive case that petitioner No. 1 has already disowned his son Jayant Vijay many years ago and he is not in his control, however, an FIR was lodged by a girl namely Sneha with whom Jayant Vijay had got married on 25.02.2022. Subsequent thereto, Jayant Vijay is alleged to have married the second time with a girl named Khushboo without getting divorced from his first wife. The reason for his second marriage was that a case under POCSO Act, 2012 was lodged against Jayant Vijay for commission of an offence upon Khushboo and in order to save himself in the said case, the second marriage was shown to

have been solemnized.

CRM-M-6739-2024

-2-

3. Learned counsel for the petitioners has relied upon Annexure P-2 an affidavit by the girl named Khushboo in which she states that she was not married to Jayant Vijay rather she was married to Priyanshu i.e. petitioner No. 2 herein and the said affidavit has been executed on 02.02.2024 (Annexure P-2).

4. In addition to the above, learned counsel for the petitioners has also argued that the petitioners were granted the concession of bail by the trial Court, however, vide order dated 19.01.2024 (Annexure P-4), the earlier concession was withdrawn and their application came to be dismissed only on the ground that the petitioners were not cooperating in the investigation.

5. Notice of motion.

6. Mr. Siddharth Atttri, AAG, Punjab accepts notice on behalf of respondent-State and has vehemently opposed the concession of bail to the petitioners on the strength of the enquiry conducted by the authorities, wherein all the contentions raised by the petitioners have fallen flat. It came out in the enquiry that the father of the girl Khushboo has lodged an FIR against Jayant Vijay and thereafter, the present petitioner No. 1 along with his wife approached the complainant in FIR No. 233 dated 06.05.2021 under Sections 376, 506 of IPC and Section 04 of POCSO Act, 2012 and assured them of getting the children married.

7. Learned counsel for the State further submits that the active role of petitioner No. 1 is apparent, as petitioner No. 1 executed a Power of Attorney in favour of the complainant in the present case and the entire effort was being made to protect Jayant Vijay from the prosecution in FIR

No. 233 dated 06.05.2021, which led to the filing of the case by the present

CRM-M-6739-2024

-3-

complainant as she is the first legally wedded wife of Jayant Vijay. Serious allegations have been levelled against Jayant Vijay as well as the present petitioners that it is their *modus operandi* to cheat the people. More so, learned counsel submits that the petitioners have actively aided and abetted the alleged offence of cheating and bigamy.

8. Faced with the above, the extra-ordinary concession of anticipatory bail cannot be extended to the petitioners as they have failed to cooperate in the investigation and it is a fit case, where custodial interrogation of the petitioners is much required.

9. In light of the above, learned counsel for the petitioners prays that the petitioners shall not press the present anticipatory bail and shall surrender before the trial Court, however, their regular bail applications be decided expeditiously.

10. In light of the above, without taking the above portion of the order as any expression of opinion, the present petition stands dismissed as withdrawn and the petitioners are directed to surrender on or before 16.02.2024 before the trial Court and in case, they file any bail applications, the same be decided expeditiously preferably within 05 working days thereafter, in accordance with law and on its own merits.

(ALOK JAIN)
JUDGE

February 08, 2024
Parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No