



CRM-M-14352-2024 (O&M)
DATE OF DECISION : 16.07.2024

... PETITIONER

V/S

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Himmat Singh, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Amit Bansal, Advocate for the complainant.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 02 dated, 04.03.2016, registered at Police Station NRI District Ferozepur, under Sections 420, 465, 498-A and 495 of the IPC and the order dated 12.02.2024 (Annexure P-22) passed by the Chief Judicial Magistrate, Ferozepur, whereby that Court was of the considered opinion that prima facie the petitioner committed an offence punishable under Sections 418, 495, 465, 467, 468 and 471 of the IPC and accordingly, charges are required to be framed.

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The matter was referred to the Mediation and Conciliation

Centre of this Court. However, the mediation has failed.

3. Heard.

4. Learned counsel for the petitioner *inter alia* contends that the age of the petitioner is 63 years and he is suffering from Wegeneres Granulomatosis and is currently on immuno suppressive therapy. He is also having the history of Cancer and atypical meningioma and latent TB. He was already on bail.

5. The present petition has been opposed by the counsel for the respondent on the ground of maintainability. Counsel for the respondent also informed that the complainant who is the brother of the victim is also a senior citizen. However, the victim is residing in Malaysia.

6. As per the FIR, petitioner-Girish Chandra was married to Jyoti Sharma, the sister of the complainant on 02.11.1995 and a male child was also born out of the wedlock. After the marriage, Jyoti Sharma migrated to Malaysia as the petitioner is resident of Malaysia. The FIR was registered with the allegation that after the solemnization of the marriage, the petitioner had mentally and physically tortured the sister of the complainant. It is further in allegation that petitioner was prior married to another girl at the time when he solemnized marriage with the sister of the complainant. However, this fact was not disclosed to the family. As such, there are allegations of cheating the victim by the petitioner.

7. As per the paper-book, the petitioner is 63 years' of age and suffering from various medical issues. Final report under Section 173 Cr.P.C. was presented before the Chief Judicial Magistrate, Ferozepur in the year 2018 (Annexure P-12). The decree of divorce alleged to have been

passed by the Malaysian High Court dated 11.02.2022 (Annexure P-16) is part of the paper book.

8. As per the order dated 07.10.2022 (Annexure P-17), petitioner was ordered to be released on bail by the Chief Judicial Magistrate, Ferozepur under Section 439 Cr.P.C. The present petition has been filed by the petitioner apprehending framing of the charges under Section 418, 465, 467, 468, 471 IPC whereas earlier the FIR was registered under Section 420, 465, 495, 498 of the IPC.

9. Learned counsel for the complainant has opposed the bail application merely on the ground that petitioner was earlier on regular bail and the present petition under Section 438 Cr.P.C. is not maintainable.

10. Keeping in view the facts and circumstances of this case and medical issues being faced by the petitioner, the present petition is disposed of with a direction to the petitioner to surrender before the trial Court within a period of 3 weeks from today and in that event, the application filed by the petitioner under Section 439 Cr.P.C. will be decided on the same day.

11. Pending miscellaneous application(s), if any, shall also stand disposed of.

16.07.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No