



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205(1) CRM-M-36427-2024(O&M)
Date of Decision: 19.10.2024

HARBHAJAN KAUR ...PETITIONER
VERSUS
STATE OF PUNJAB ...RESPONDENT

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. G.B.S. Dhillon, Advocate for the petitioner.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.
Mr. Bisman Veer Mann, Advocate for the complainant.

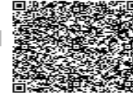
MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0089	08.07.2024	Model Town, Police Commissionerate, District Ludhiana	406, 420, 495, 120-B of IPC

2. Vide order dated 31.07.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 31.07.2024 is reproduced as under:-

“The above mentioned petitioners have invoked the jurisdiction of this Court by filing petitions making prayer for extending the benefit of pre arrest bail to them in case arising out of FIR No.89 dated 08.07.2024 registered under Sections 406, 420, 495 and 120-B of IPC at Police Station Model Town, Police Commissionerate, District Ludhiana on the basis of a written complaint filed by the complainant Aditya Singh Bhalla on 04.01.2024. It was alleged by the complainant that due to



mediation of his acquaintances Gurmeet Singh Salga and Jasjit Singh Kukrija, his matrimonial alliance was fixed with the petitioner-Manpreet Saluja. The petitioner-Manpreet Saluja and the remaining two petitioners who are her parents, had represented that she was unmarried. The complainant was interested for a simple wedding but on insistence of the petitioners, roka ceremony and tikka ceremony had been performed. On both these occasions, the complainant and his family had given gold ornaments, cash amount money by way of shagun and other customary gifts to the petitioners. Their marriage was fixed for 15.12.2023. During the period from 03.05.2023 when his roka ceremony was performed till the date of his marriage, the complainant noticed that the behaviour of the petitioner-Manpreet Saluja to be strange as she did not show any interest in having conversation with him. When her parents were asked about her behaviour, they pacified the complainant by saying that she would be open with him gradually.

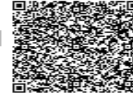
As per the further allegations, just six days before his wedding i.e. on 09.12.2023, the complainant received a call on his Instagram profile from one person who while introducing himself as Shahdab Khan, informed him that the petitioner-Manpreet Saluja was already married with one Yash Chaudhary and advised him not to marry her. Being shocked, the complainant discussed about this fact with the petitioners who, however, convinced him by representing that some of their business rival had played traunt in order to make the matrimonial alliance of the petitioner-Manpreet Saluja fail. On being so assured, the complainant performed marriage with the petitioner-Manpreet Saluja on 15.12.2023. At the time of tika ceremony performed on 13.12.2023 as well as in the marriage ceremonies, gold ornaments of value of Rs.7 lakhs, costly clothing and other valuable gifts were given to the petitioner-



Manpreet Saluja and her family members by not only the family of the complainant but also by his relatives.

The complainant further alleged in the complaint that after their marriage, the petitioner-Manpreet Saluja did not allow the complainant to have physical intimacy with him. She maintained distance from him by behaviour with him like a stranger. She even refused to accompany him to some hill station. Finding her behaviour to be unnatural, the complainant made inquiries and then it was revealed to him that the petitioner-Manpreet Saluja had performed marriage on 21.07.2020 with one Yash Chaudhary by eloping with him and had even stayed with him for about one year. He also came to know that a petition for divorce had been filed by the petitioner Manpreet Saluja after their roka ceremony on 24.08.2023 and the same was still pending. The complainant also heard the petitioner-Manpreet Saluja while having conversation with some person on mobile phone and later on came to know that she used to talk with Shahdab Khan and was having relations with him from the last many years. On 30.12.2023, the petitioner Manpreet Saluja left for her parental home while taking away all the gold ornaments given to her by the complainant and his family and relatives. By alleging that the petitioners had cheated him by concealing the factum of already existent marriage of the petitioner-Manpreet Saluja and that the petitioner-Manpreet Saluja had taken the entire gold jewellery given by his family to her, he prayed for taking action against the petitioners. The investigation is underway. Apprehending their arrest, the petitioners moved a joint application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions, Judge, Ludhiana vide order dated 19.07.2024.

Learned counsel for the petitioners has argued that the fact that the petitioner-Manpreet Saluja was married with Yash Chaudhary, was very much within the knowledge of the



complainant and it was on the insistence of the family members of the complainant to perform an early marriage, since his grandfather was on death bed that the marriage of the petitioner Manpreet Saluja was performed with him, without securing a decree for divorce. It is further argued that infact the petitioner-Manpreet Saluja had been mentally as well as physically tortured by the complainant and was thrown out of her matrimonial house on 30.12.2023 i.e. just 15 days after her marriage and the petitioner-Ranjeet Singh had even lodged an FIR bearing No.366 dated 10.05.2024 against the complainant and his family members under Sections 323, 354 and 498-A of IPC read with Sections 3 and 4 of Dowry Prohibition Act,1961. Therefore, this FIR was lodged as a counterblast. It is submitted that a demand of a sum of Rs.1,00,00,000/- had been raised by the complainant in order to settle the petitioner-Manpreet Saluja at her matrimonial house. Learned counsel has further argued that the offences for which they have been booked are not made out against them at all. Their custodial interrogation is not required. No recovery is to be effected from them. They are ready to join the investigation. Hence, it is urged that the petitions deserve to be allowed.

Notice of motion.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab who has advance notice of the petitions seeks time to file status report.

At this stage, Vakalatnama on behalf of the complainant has been filed and he too seeks time to file reply.

Adjourned to 04.09.2024.

In the meantime, the petitioners are directed to appear before the Investigating/Arresting Officer to join investigation within ten days or as and when required. In the event of their arrest, the Investigating/Arresting Officer shall release the petitioners on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioners shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.



A photocopy of this order be placed on the files of other connected cases.”

3. It is submitted by learned State counsel that the petitioner has joined the investigation on 08.08.2024 and her custodial interrogation is not required. No useful purpose would be served by detaining her in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 31.07.2024 granting interim bail to the petitioner is made absolute, subject to the compliance of the conditions laid down in Section 482 of the Bharatiya Nagarik Surakhsa Sanhita, 2023.

October 19, 2024
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(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |