

2024:PHHC:001854

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

209

CRM-M-54508-2023
Date of Decision : 09.01.2024

AMANDEEP KAUR AND ANR.Petitioners

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sandeep Sharma, Advocate,
for the petitioners.

Mr. Mohit Chaudhary, AAG, Punjab

KULDEEP TIWARI. J.(Oral)

1. On 26.10.2023, the following order was passed by this
Court:-

“The petitioners have filed the present petition for grant of anticipatory bail in case FIR No. 80 dated 27.6.2023, under Sections 420, 494, 511, 120-B IPC, registered at Police Station Kartarpur, District Jalandhar Rural.

Learned counsel for the petitioners submits that complainant respondent No.2 has moved a complaint before the police on the allegations that Poonam Bhatti who is his daughter and permanent resident of Canada and regarding her marriage the complainant was looking for a boy and then someone told the complainant that there is a boy named Jasmeet Pal son of late Sh. Satnam Pal, you can talk about your girl with them. In this regard, the complainant contacted the above named boy and his sisters and brothers-in-law along with his family and other relatives, then the boy's sister and his other family members told him that the boy is still a bachelor and you should go ahead for your daughter's marriage with him then all above mentioned petitioners and others assured him that you should not worry and they will keep the date with you regarding the wedding ceremonies and other wedding dates. After few days, the above mentioned petitioners and others told him that the date of marriage is 01.11.2022 and confirmed this date with him and at the time of disclosing this date to him, they performed the roka ceremony and as per their sayings, the complainant got the wedding cards printed and got the cards printed regarding organizing Sukhmani Sahib path and Jago at 07 pm on dated 30.10.2022 and also performed other remaining ceremonies. As per the demand of the above mentioned petitioners and others, the cards got printed regarding the date of marriage as 01.11.2022 and as per their demand, the Fair Form Resort GT Road, Near Verka Milk Plant Jalandhar was booked for the marriage and sweets were

distributed to all the relatives and friends. On the evening of 31.10.2022, the complainant received a call from police station Rama Mandi, Jalandhar that a complaint No.4646-DCP dated 31.10.2022 has been received against you that Jasmeet Pal, who is already married and this application has been given by his first wife Shivani r/o House No.98, Joginder Nagar, Street No.01, Rama Mandi, Jalandhar and she has written in her application that Jasmeet Pal is her husband and she had married him on dated 14.08.2015 and her marriage is still not broken. He is still her husband legally and he has filed a divorce case against her u/s 13 of the Hindu Marriage Act in the court of Smt. Poonam R. Joshi, Family Court, Jalandhar, in which the next date is 02.11.2022. After hearing this, the complainant was shocked, and when he went to the police station, a girl named Shivani showed him the copy of petition under Section 13 Hindu Marriage Act for divorce and copy of petition u/s 9 of Hindu Marriage Act which have been filed by Jasmeet Pal against his first wife Shivani in the court of Ms.Rana Kanwardeep Kaur, Family Court Jalandhar and had also withdrawn it by giving his statement on dated 24.02.2022, from which it was found that the above-mentioned petitioners and others in connivance with each other, have committed fraud and forgery. It is also worth mentioning here that the applicant had booked the Fair Farm Resort for the marriage as per the demand of the accused, regarding which they had already given an amount of about Rs.5,50,000/- to the Farm holders and had incurred around Rs.4,50,000/- for the Sukhmani Sahib path on dated 30.10.2022, Jaggo at night, meal etc. Apart from this, around Rs.7 lacs were incurred for the clothes of the entire family, gold jewelry, ceremonies etc., as per the demand of the above mentioned petitioners and others, some of the dowry articles had already been taken by the above mentioned petitioners and others from the complainant prior to the marriage. When the complainant came to know about the above, then he contacted the abovesaid petitioners and others at the same time and went to their house and asked about the thing which was happened in the police station and regarding the documents of divorce from the first marriage but then all of them produced a photocopy of one Panchayati divorce dated 08.09.2020, of Jasmeet Pal from which it is proved that till today no divorce has been granted by the Hon'ble Court and he told the accused that they have committed fraud with him by concealing the earlier marriage and regarding not having been granted the divorce after keeping the complainant in dark. Upon which, the above mentioned petitioners and others started giving abuses to him and his my family members and started hurling threats and would say that he may do whatever he want and the above mentioned petitioners and others have caused loss to him and their reputation which they wanted to do. The complainant has come to know from the reliable resources that now Jasmeet Pal and his first wife Shivani in connivance with each other, after defaming him and his family in the society, in connivance with each other, have got recorded the first statement in a petition u/s 13B of Hindu Marriage Act in the Hon'ble Court of Smt. Rashmi Sharma, Family Court, Jalandhar and the next date of hearing is 18.05.2023 from which it becomes clear that Jasmeet Pal etc. in connivance with each other, with intention to defraud and with intention to grab a big amount, has done this entire act. After acquaintance with these facts, the complainant cancelled the marriage of his daughter with Jasmeet Pal on dated 31.10.2022. Therefore, it is requested that a FIR may be registered against the abovesaid petitioners and others for committing

fraud and forgery with the family of the complainant and for concealing the first marriage from his family, abusing and giving threats and regarding committing fraud of Rs.17,50,000/- with the complainant under the appropriate sections and the abovesaid petitioners and others may be arrested and justice may be provided to the complainant so that the abovesaid petitioners and others may not commit such fraud and forgery with some other girl.

Learned counsel for the petitioners has submitted that the petitioners No.1 is sister and petitioner No.2-is brother-in-law of main accused Jasmeet Pal, with whom the marriage was to be solemnized on dated 1.11.2022. He has further submitted that the petitioners have no concern whatsoever with regard to fixation of marriage. Perusal of complaint further reveals that on dated 25.10.2022, the petitioners visited the house of the complainant and informed them that the divorce is likely to take place with Jasmeet Pal and his wife and after coming to know this fact, they had continued with the relations and the marriage was fixed for 1.11.2022. Learned counsel for the petitioners has further submitted that the decree of mutual divorce has been granted by the Family Court, District Jalandhar on dated 18.5.2023.

Notice of motion for 9.1.2024.

On the asking of the Court, Mr. Teevar Sharma, AAG, Punjab accepts notice on behalf of the State of Punjab.

In the meanwhile, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer concerned. The petitioners shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.”

2. Learned State counsel, on instructions imparted to him by ASI Lakhwinderjit Singh, submits that the petitioners have already joined the investigation in pursuance to the aforesaid order and they have fully co-operated with the investigation process and they are no more required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is allowed and order dated 26.10.2023 is, hereby, made absolute.

January 09, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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