

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57188-2023(O&M)

Date of decision:06.03.2024

Mander Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Mr. Sushil Kumar Verma, Advocate with
Mr. Rajat Verma, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

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.53 dated 29.09.2023 registered at Police Station Women Sirsa, District Sirsa, under Sections 323, 498-A, 506 read with Section 34 (Section 495 added later) of Indian Penal Code.

2. As per the prosecution case, the complainant got married to the petitioner about 4-5 years ago and a child was born out of the said wedlock. Before her marriage she came in contact with the petitioner who was practicing Occultism. The petitioner used to come to her house in odd hours and the petitioner promised to perform marriage with the complainant and on that pretext he used to take her along to different places. By practicing Occultism, the petitioner influenced the complainant and she used to become unconscious. The petitioner is habitual of luring girls by practicing Occultism. The petitioner used to come to matrimonial home rarely and used to give beatings to the complainant. He

brought his first wife in the matrimonial home and ultimately the complainant was turned out of her house by giving her severe beatings. There are also allegations that the petitioner used to pull the hair of the complainant, used to put hot water on her and also used to give electric shocks to the complainant.

3. Learned counsel for the petitioner contends that there are no specific allegations of demand of dowry or entrustment of any dowry. There is delay in lodging the FIR. The complainant is major and she was in live in relationship with the petitioner since the year 2020 and used to reside in a separate accommodation with the petitioner at village Bani, District Sirsa whereas the family members of the petitioner used to reside in village Dabli Rathan and in this regard the petitioner had executed an affidavit dated 14.12.2020. Now the complainant had herself separated from the company of the petitioner and got registered the present FIR in order to grab the property of the petitioner. It is further contended that earlier also the complainant lodged FIR No. 95 dated 17.08.2019 registered under Sections 363, 366, 376(2) (n), 457 IPC at Police Station Sirsa in which the petitioner has been acquitted on 13.02.2022 as the complainant did not support the prosecution case during the trial. The petitioner is ready to join the investigation.

4. Learned State counsel has opposed the bail application. Referring to the status report, it was contended that during the course of investigation on 01.10.2023, the complainant Karamveer Kaur produced a copy of marriage certificate of her marriage with the petitioner. It is further contended that during the investigation, Sukhpal Kaur, first wife of the petitioner and few other relatives were found innocent. However, the allegations constituting the offence under Section 495 IPC were made out and the said offence has been added. It is further contended that petitioner is also involved in other two cases i.e. aforesaid FIR

No.95 and FIR No.207 dated 02.11.2012 at Police Station Women Hanumangarh registered under Sections 323, 328, 376, 312, 313, 315, 387, 120-B IPC, however he has been acquitted in the said cases.

5. I have considered the aforesaid contentions.

6. The petitioner has himself relied upon the affidavit (Annexure P-2) alleged to have been executed by the complainant Karamveer Kaur wherein she has stated that Mander Singh has solemnized marriage with Sukhpal Kaur but she is residing with the petitioner in live-in relationship and has further disclosed that she will not claim any share in the concerned property mentioned in para No.3 of the affidavit. As per the status report filed by the State, complainant Karamveer Kaur produced the marriage certificate of her marriage with the petitioner which has been taken in possession during the investigation. It is an allegation against the petitioner that he has fraudulently solemnized marriage with the complainant.

7. Keeping in view the facts and circumstances of the present case, *prima facie* there are allegations against the petitioner that during the subsistence of his marriage with Sukhpal Kaur, he had solemnized another marriage with the complainant. The certificate regarding the marriage of the petitioner with the complainant has been collected by the Investigating Agency during the investigation of this case. Even a child has been born from the relationship of the petitioner with the complainant. There are serious allegations of physical harassment to the complainant and she has been ultimately turned out of the house alongwith the minor child.

10. Keeping in view the gravity of allegations against the petitioner and considering his conduct, it is not a fit case to grant the concession of anticipatory bail, consequently, the present petition stands dismissed.

6th March, 2024

Shivani Kaushik

[HARPREET KAUR JEEWAN]

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No