



Sr. No.201

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-61093-2022 (O&M)  
Reserved on: 22<sup>nd</sup> May, 2024  
Date of decision: 28<sup>th</sup> May 2024

LOVE MALHOTRA .....Petitioner

versus

STATE OF PUNJAB AND ANOTHER .....Respondents

**CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Abhishek Sharma, Advocate  
for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

Mr. Puneet Sharma, Advocate  
for respondent No.2/complainant.

**HARPREET KAUR JEEWAN, J.**

1. The instant first petition has been filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.85 dated 21.09.2022, under Sections 406, 498-A, 417, 493, IPC, 1860, registered at Police Station Women Cell, Jalandhar (Annexure P-1).
2. Learned counsel for the petitioner *inter alia* contends that both the petitioner and the prosecutrix are major and they were in a consensual relationship. However, the allegations of marriage *inter se* the petitioner and the prosecutrix are not proved. It is further contended that the marital status of the petitioner was already in the knowledge of the prosecutrix. Even efforts have been made for reconciliation of the matter since as per the order dated 13.10.2023, passed by this Court, the parties were directed to appear before the Mediation and Conciliation Centre of this Court and the petitioner was directed to join investigation. It is



further contended that the petitioner has joined investigation in compliance of the aforesaid order dated 13.10.2023 and he is ready to face the trial.

3. Learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner. While referring to the status report dated 23.01.2023, filed by way of affidavit of Ms. Khushbir Kaur, PPS, Assistant Commissioner of Police, PBI/CAW&C, Jalandhar, the learned State counsel contends that inquiry into the complaint moved by the prosecutrix was conducted and during investigation, it was found that the complainant/prosecutrix came in contact with the petitioner through *Facebook* and they developed physical relationship with each other with their free will. However, the petitioner did not disclose the prosecutrix about his previous marriage and children and he represented himself to be unmarried. During inquiry, it also transpired that the petitioner took the prosecutrix into confidence by representing that he has obtained divorce from his previous wife and he is not living with her anymore. The petitioner and the complainant resided together for a period of 01 year. When the prosecutrix told the petitioner that her family members are not ready for marriage, the petitioner threatened to make her objectionable photographs viral on social media.

4. Learned State counsel further contends that during the inquiry, it transpired that the marriage between the petitioner and the complainant was solemnized on 23.12.2021 and out of the said wedlock, a son namely Pulkit Malhotra was born. Later on, the complainant came to know that the petitioner has not obtained divorce from his first wife. While referring to the supplementary status report dated 22.09.2023, filed by way of affidavit of Sh. Jatinderpal Singh, PPS, Assistant Commissioner of Police, HQ/CAW&C, Jalandhar, the learned State



gold articles is yet to be effected from the petitioner, as such, his further custodial interrogation is required.

5. I have considered the aforesaid contentions and perused the paper book.

6. As per the order dated 14.03.2024, passed by this Court, learned counsel for the petitioner sought accommodation to have instructions with regard to the returning of educational testimonials and ornaments of the complainant as well as for making arrangements for the child. As per the order dated 02.05.2024, learned counsel for the petitioner submitted that the petitioner is ready to pay a sum of Rs.1,00,000/- to the minor child if the complainant agrees to settle the matter amicably.

7. It is not a simple case of consensual relationship *inter se* two major persons. There are specific allegations that the consent of the prosecutrix for the relationship was obtained by the petitioner by misrepresenting his marital status. There is a long relationship *inter se* the parties and even a child was born out of the wedlock. There are also specific allegations that the petitioner procured fabricated documents i.e. decree of divorce with his first wife.

8. As per the representation relied upon by the learned State counsel (Annexure R-2/3), annexed along with the reply dated 19.01.2023, the first informant has categorically stated that apart from the gold ornaments, even the educational testimonials of the prosecutrix have been retained by the petitioner. Earlier in a compromise, the petitioner had agreed to return back the gold ornaments and testimonials of the first informant, however, he did not return the same to her. Learned State counsel has also shown the photographs of the petitioner and the prosecutrix in the Court.



9. As per the order dated 30.12.2022, passed by this Court, the contentions raised on behalf of the petitioner were that there are chances of amicable settlement. As per the order dated 17.07.2023, the complainant was impleaded as respondent No.2 in the present case and thereafter, vide order dated 13.10.2023, the matter was referred to the Mediation and Conciliation Centre of this Court. However, as per the report received from the Mediator, the mediation proceedings failed.

10. The custodial interrogation of the petitioner is required. Recovery of the gold ornaments, educational testimonials of the prosecutrix and the alleged fake decree of divorce, is yet to be effected from the petitioner. The allegations levelled against the petitioner are serious in nature, especially keeping in view the fact that a child was born out of the relationship, as such, in view of the totality of the facts and circumstances of the present case, it is not a fit case to grant anticipatory bail to the petitioner.

11. Consequently, the present petition stands dismissed.

12. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)  
JUDGE

28<sup>th</sup> May 2024  
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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |