



Sr. No.102

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62622-2023 (O&M)
Date of decision: 16th October 2024

KULWANT SINGHPetitioner

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
assisted by ASI Gurnam Singh.

Mr. Karan Chaudhary, Advocate
for respondent No.2/complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.84 dated 04.11.2023, under Sections 498-A, 494, 323 IPC, 1860, registered at Police Station Tibber, District Gurdaspur (Annexure P-1).
2. Learned counsel for the petitioner *inter alia* contends that the marriage of the petitioner was solemnized with respondent No.2 in a simple manner in the year 2012. There used to be petty disputes *inter se* the parties. However, there was no major dispute between them. The present FIR has been got registered on the basis of suspicion that the petitioner has solemnized second marriage during the subsistence of the first marriage.
- 2.1 Learned counsel for the petitioner further contends that Marriage Certificate No.0099 dated 27.04.2023, as referred in the FIR, has been found fake



during the investigation. The petitioner is ready to settle the matter and he is ready to join the investigation.

3. On the other hand, learned counsel for the complainant submits that the Marriage Certificate No.0099 dated 27.04.2023 has been issued by Gurdwara Duhata Sahib. Copy of the said marriage certificate and the photographs have been submitted in the Court today, which are taken on record.

4. The matter was earlier referred to the Mediation and Conciliation Centre of this Court and even the report of Counsellor, High Court Legal Services Committee has been received, as per which, the parties have decided to proceed further with the Court proceedings. The minor child is stated to be in the custody of respondent No.2 (mother) and as per the report of the Counsellor, the child is currently in a supportable and sustainable environment with the mother and the emotional well-being of the child has been adequately maintained.

5. Learned State counsel has informed that the statement of Satnam Singh, Granthi of the said Gurdwara Sahib, has been recorded during investigation on 16.12.2023, who has verified that the aforesaid Marriage Certificate No.0099 dated 27.04.2023 has been issued on his letter pad and the same also bears his signatures. However, he has taken a plea that the letter pad was stolen and it has been misused.

6. Investigation record has been shown in the Court, as per which, vide memo dated 16.12.2023, Satnam Singh, Granthi submitted a missing report dated 02.12.2023 in the Saanjh Kender. Copy of the memo has been submitted in the Court today, which is taken on record. As per the missing report submitted in the Saanjh Kender, the date of missing of the letter pad is recorded as 20.11.2023. The investigation record also contains some marriage certificates bearing the stamps of



6.1 The investigation record also contains a photocopy of an affidavit of Mahinder Singh s/o Chanan Singh, who is stated to be the father of the petitioner- Kulwant Singh. Copy of the said affidavit has also been submitted in the Court today, which is taken on record. In the said affidavit, father of the petitioner has alleged that his son is indulging in wrong company. He is having no connection with his son and he (petitioner) is responsible for his own acts and deeds. Even the father of the petitioner is alleged to have given a public notice in a newspaper, which is contained in the investigation record.

6.2 As per the FIR, there are allegations of physical assault also. The investigation record contains the photograph of respondent No.2 reflecting injury on her forehead and head.

7. There is a documentary proof against the petitioner with regard to the allegations that he has performed second marriage during the subsistence of the first marriage and also there is *prima facie* evidence regarding the physical assault.

8. In such circumstances, the petitioner is not entitled for the grant of pre-arrest bail.

9. Consequently, the present petition stands dismissed.

10. Interim order dated 18.12.2023 stands vacated.

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

(HARPREET KAUR JEEWAN)
JUDGE

16th October 2024
simran

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No