

CRM-13742-2025
CRM-19595-2025 IN
CRM-M-7151-2025 (O&M)

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2025.PHHC.062419



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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-13742-2025
CRM-19595-2025 IN
CRM-M-7151-2025 (O&M)
Date of decision: 12.05.2025

YOGESH KUMAR SUKHIJA

....Petitioner

Versus

STATE OF PUNJAB AND ANR

....Respondents

CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**

Present: Mr. Arnav Kumar, Advocate
for the applicant-petitioner.

Mr. Japjot Singh, AAG, Punjab.

Mr. Yogesh Goel, Advocate
Mr. Mayank Kalra, Advocate and
Mr. Simrandeep Singh, Advocate
for respondent No.2.

AMARJOT BHATTI, J.

CRM-13742-2025

This is an application for placing on record reply on behalf of
respondent No.2

Learned State counsel as well as learned counsel for
respondent No.2 suffered no objection if present application is allowed.

For the reasons mentioned in the application as well as no
objection by aforesaid counsels, same is allowed and the accompanied
document i.e. reply on behalf of respondent No.2 is taken on record,
subject to all just exceptions.



Main Case

Petitioner has filed present petition under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR No.10, dated 23.01.2021, under Sections 376 and 420 of IPC, registered at Women Police Station, Ludhiana (Annexure P-1).

2. As per facts of the case, present FIR has been registered on the written complaint filed by the prosecutrix 'MS'. Said complaint was filed against Yogesh Kumar Sukhija and others. The prosecutrix alleged that she was 38 years old, divorcee, having two children. Smt. Anuradha Sharma was known to accused Yogesh Kumar Sukhija. Yogesh Kumar Sukhija and Doli Chopra @ Renu called her time and again that they were in search for suitable match for Yogesh Kumar Sukhija who was a divorcee. On this, Smt. Anuradha Sharma contacted the prosecutrix. Their matrimonial alliance started and at the instance of Yogesh Kumar Sukhija and Doli Chopra @ Renu it was decided to have a meeting at Sri Lanka. Since the prosecutrix could not arrange money for this meeting, Yogesh Kumar Sukhija sponsored the trip by depositing money in her account through his brother. Doli Chopra @ Renu could not come to Sri Linka. From 26.02.2019 to 01.03.2019, after understanding each other they decided to get married. Their marriage was performed in a Hindu Temple on 02.03.2019. They stayed together from 02.03.2019 to 05.03.2019. Thereafter, accused No.1 returned back on 05.03.2019 and it was decided that he would come to India in May. On 09.05.2019, present petitioner along with his family members came to her parental house and met her family. Yogesh Kumar Sukhija was given shagun Rs.1,51,000/-, gold ring,



gold ginny and shagun was given to other family members. On 10.05.2019, their marriage was to be registered. When they collected in Ludhiana Courts, Yogesh Kumar Sukhija stated that he was not having documents regarding his divorce. He misled the prosecutrix by concealing this material fact. Accused No.1 claimed that his divorce case was pending at Hanumangarh and he will have decree of divorce of within two months. Regarding this, he gave a writing by way of agreement dated 10.05.2019. They stayed together till 06.06.2019. He again went back to New York on 07.06.2019. Thereafter, there was change in the behaviour of family members of Yogesh Kumar Sukhija. Behaviour of her husband also changed. On 18.07.2019, she went to Hanumangarh to enquire about the divorce case where she came to know that no divorce case was pending. In fact, his wife Smt. Chanchal Sukhija had filed a case under Domestic Violence Act. In this way, accused No.1 and other family members committed fraud with her. The accused persons raised demand of Rs.35,00,000/- in case she wanted to live with Yogesh Kumar Sukhija in future. With these allegations, present case was registered.

3. Learned counsel for petitioner pointed out that he was granted interim relief vide order dated 06.02.2025 and he has already joined the investigation. All allegations levelled against him are false. Since petitioner is married to the prosecutrix, no offence of rape is made out. Prosecutrix was fully aware of his first marriage. Their relationship was consensual. The prosecutrix remained silent for a long duration and present FIR has been lodged after a long delay. Regarding the matter in controversy, settlement/agreement was arrived at which is Annexure P-8.



Later on, she resiled from the said compromise and wrongly claimed that this compromise did not bear her signatures. In fact, the prosecutrix is liable to be prosecuted for giving false affidavit in the Court. Petitioner is not required for any other purpose. Therefore, his anticipatory bail application may be allowed.

4. Status report has been filed, confirming the facts detailed in the FIR. FIR was registered after proper inquiry. On 03.02.2021, medical examination of the prosecutrix was conducted. The statement of victim was recorded under Section 164 Cr.P.C. before learned Judicial Magistrate 1st Class, Ludhiana. Regarding the authenticity of alleged compromise, prosecutrix has denied to have effected compromise and further denied her signatures thereon. The said statement of prosecutrix is Annexure R-1. The matter is still under investigation. Specific role is attributed to the petitioner.

However, learned counsel representing State pointed out that petitioner joined investigation, therefore he is not required for further investigation.

5. On the other hand, anticipatory bail application filed by the petitioner is strongly opposed. It is again pointed out that petitioner has filed present anticipatory bail application on the basis of fake agreement/compromise. Learned counsel for respondent No.2/prosecutrix pointed out that from bare perusal of said settlement/agreement (Annexure P-8), it is evident that alleged signatures of the prosecutrix/respondent No.2 are at the bottom of papers. In fact a false document has been prepared. It is further pointed out that FIR is registered after due inquiry.



Present petitioner was residing abroad. After the registration of FIR, process was issued time and again to procure his presence by issuing notice under Section 105-B Cr.P.C. He is involved in another FIR No.94 dated 13.05.2022 under Section 228-A IPC registered at Police Station Women, Ludhiana. He had filed CRM-M-58489-2024 seeking quashing of FIR No.10 dated 23.01.2021 under Sections 376 and 420 IPC, registered at Women Police Station, Ludhiana, which was dismissed as withdrawn vide order dated 22.11.2024. He had also filed CRM-M-60699-2024 seeking quashing of look out circular dated 04.06.2024 issued in another FIR No.94 dated 13.05.2022(supra), which was dismissed as withdrawn on 03.12.2024. Anticipatory bail application filed by the petitioner was rightly rejected by learned Additional Sessions Judge, Ludhiana, vide order dated 27.12.2024. Therefore, petitioner did not approach this Court with clean hands. Even at present petitioner has gone abroad without taking permission from the Court. Therefore, he is not entitled to be released on anticipatory bail.

6. I have considered the aforesaid factual position. Petitioner had denied the allegations by alleging that it was consensual relationship and also relied upon settlement/agreement (Anneuxre P-8). The prosecutrix denied the stand taken by the petitioner and claimed that he performed marriage with her by concealing his first marriage and committed fraud with her. She further denied the settlement agreement (Annexure P-8) as fake document. In the bail application, it cannot be ascertained whether dispute settlement/agreement (Annexure P-8) is a fake document or it is a genuine document. So far as, allegations and counter allegations are



concerned that is matter of trial.

Petitioner while filing present anticipatory bail application did not disclose about the earlier petitions filed by him pertaining to this FIR as detailed in the reply filed by complainant/respondent No.2. Therefore, he tried to conceal material fact from this Court. As per order dated 06.02.2025, arrest of the petitioner was stayed subject to the joining of investigation. As per status report, he did join investigation on 03.03.2025. But thereafter he again went abroad without permission. The conduct of present petitioner cannot be ignored. Even the counsel representing State of Punjab did not disclose this fact during the course of arguments. In the light of serious allegations against the petitioner and his conduct, anticipatory bail application filed by him is accordingly declined.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

12.05.2025
monika

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |