

NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 785 OF 2017

[Arising out of Special Leave Petition (Crl.) No.9288 of 2016]

JASKARAN SINGH

...APPELLANT

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

ORDER

S.ABDUL NAZEER, J.

1 Leave granted.

2 This appeal is directed against the order dated 29th September, 2016 in Crl. Misc. No.M-34630 of 2016 whereby the High Court of Punjab and Haryana has dismissed the anticipatory bail application filed by the appellant in a case registered vide FIR No. 109 of 2016 dated 26th July, 2016 under Sections 498A/494/406/420/120B of the Indian Penal Code, 1860 in Police Station Dayalpura, District Bathinda, Punjab. The second respondent in her complaint has alleged that her husband, the appellant herein, had married

Karamveer Kaur during the subsistence of her marriage. There are allegations of cruelty, harassment, fraud and the threats being given by the appellant.

3 The contention of the appellant is that he has never married Karamveer Kaur and that the allegation is false and frivolous.

4 In order to substantiate marriage of the appellant with Karamveer Kaur, respondent No.2 has produced an application filed by Karamveer Kaur bearing No. CRM-M-28765 of 2016 filed under Section 9 of the Hindu Marriage Act. Taking into consideration this case filed by Karamveer Kaur against the appellant, the High Court rejected the application of the appellant seeking anticipatory bail.

5 We have heard learned counsel for the appellant.

6 It is evident that the petition filed by Karamveer Kaur under Section 9 of the Hindu Marriage Act against the appellant has been withdrawn on 24th February, 2016. The High Court has not taken into consideration the withdrawal of this petition. It is also evident that the second respondent is residing in the matrimonial home with the mother of the appellant. There are no criminal antecedents

against the appellant except the present case. We are of the view that the High Court is not justified in rejecting the application of the appellant for grant of anticipatory bail.

7 Therefore, the order of the High Court impugned in this appeal is hereby set aside and the appeal is allowed. The application filed by the appellant for grant of anticipatory bail is allowed.

8 In the event of arrest of the appellant in the aforesaid case, he shall be released on bail by making deposit of Rs. 25,000/- in cash and also subject to condition that the appellant shall cooperate with the investigation at all further stages.

.....J.
(J. CHELAMESWAR)

.....J.
(S. ABDUL NAZEER)

New Delhi;
April 25, 2017.