

(2011) 04 P&H CK 0336

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM-M No. 36710 of 2010

Manwinder Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: April 4, 2011

Acts Referred:

- Penal Code, 1860 (IPC) - Section 406, 494, 498A

Citation: (2011) 3 RCR(Criminal) 137

Hon'ble Judges: Alok Singh, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Alok Singh, J.

This is an application seeking anticipatory bail in case FIR No. 170 dated 24.11.2010 under Sections 498-A/406 IPC, P.S. Sadar Tehsil and District Hoshiarpur.

2. This Court vide order dated 15.12.2010 has granted interim bail to the petitioner - husband.

3. Learned counsel for the complainant has vehemently argued that the date of marriage of the complainant with the petitioner is 10.10.2009. He has further argued that petitioner thereafter on 23.10.2009 has entered into second marriage with one Harpreet Kaur and the same was registered on 15.12.2009.

4. Learned Additional Advocate General, Punjab, states that during the investigation it is found that petitioner has performed second marriage illegally. He has further stated that recovery of dowry articles is yet to be effected.

5. Learned counsel for the petitioner vehemently argued that alleged marriage certificate is forged and fabricated one.

6. Learned Additional Advocate General, Punjab states that the factum of the registration of the second marriage shall be investigated and shall be enquired into after looking into the record of the Marriage Officer.
7. FIR is lodged against the petitioner for an offence u/s 406/498-A IPC and during investigation Section 494 IPC is also added.
8. In the opinion of this Court, discretionary relief of anticipatory bail can be granted to the accused, who is coming before the Court with clean hands. Keeping in mind the basic principle of law that he who seeks equity, must come with clean hands, I am not inclined to grant anticipatory bail to the petitioner for the reasons that the petitioner not only mal-treated the complainant but has also entered into second marriage within few months of the first marriage.
9. Petition is dismissed interim bail granted vide order dated 15.12.2010 is revoked.