

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M- 16223 of 2015

Date of Order: 15.12.2015

Nand Kishore

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Hemender Goswami, Advocate
along with the petitioner-husband.

Mr. K.S. Sidhu, DAG, Punjab along with
ASI Dilbagh Singh.

Mr. Nitish Singhi, Advocate
alongwith the complainant/wife.

JASWANT SINGH, J (ORAL)

By way of instant petition, the petitioner craves the
indulgence of this Court for grant of anticipatory bail in case FIR
No.93 dated 27.11.2014 under Sections 376,120-B IPC and
Sections 4,12 of the Protection of Children from Sexual Offences
Act, 2012 registered at P.S Moti Nagar, Ludhiana.

This Court while granting interim protection on
20.5.2015 passed the following order:

“In the FIR, complainant – Khushbu mentioned that
her age was about 17 years and the date of the FIR is
27.11.2014. However, she filed a petition before the
Sessions Judge, Ludhiana, along with Nand Kishore
stating that both of them had entered into marriage
and that the parents of Nand Kishore were
threatening them. She along with her husband, as

stated, requested for protection.

The said petition is of 21.11.2014, which was also the date of marriage given in that petition. There she gave her date of birth as 02.06.1996 and stated that proof regarding her date of birth was with her parents. Nothing was mentioned in the FIR about the proof of her age being less than 18 years.

Six days after the date of marriage mentioned in the petition, she lodged the FIR under Section 376 of the Indian Penal Code against the same person, i.e. Nand Kishore, whom she had earlier acknowledged as her husband.

Notice of motion to the respondent be issued for 10.08.2015.

In the meantime, the arrest of the petitioner shall remain stayed subject to the following conditions:

- (i) He shall make himself available for investigation as and when required to do so.
- (ii) He will not leave the country without the prior permission of the Court.
- (iii) He will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police official."

At the time of hearing today, the complainant-wife is present in court along with her husband i.e petitioner-accused. She made a statement before the Court that they are residing happily in their matrimonial home and a formal compromise has been effected between the parties.

Learned state counsel, on instructions from ASI Dilbagh Singh concedes that the parties are living together and the custodial interrogation of the petitioner is no longer

required.

In view of the above, interim pre-arrest bail granted by this Court, vide order dated 20.5.2015, is made absolute/confirmed.

Disposed of.

December 15, 2015
manoj

(JASWANT SINGH)
JUDGE