

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

CRM-30648 and 35048-2017 IN/AND
CRM-M-26682-2017 (O&M)
Date of decision : 06.11.2017

Sanjay

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Piyush Sharma, Advocate for the petitioner.

Ms. Gulnoor Ghuman, AAG, Punjab.

JITENDRA CHAUHAN, J. (Oral)
CRM-30648 and 35048-2017

Heard.

For the reasons stated in the application, the same is allowed and it is ordered that Section 376 IPC Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'the POCSO Act) shall be read along with the Sections already mentioned in the FIR and the main petition in question.

Main case

The petitioner seeks pre-arrest bail in FIR No.99 dated 22.05.2017, registered under Sections 376, 363 and 366A of the Indian Penal Code and Sections 3 and 4 of the POCSO Act, at P.S. City-1, Abohar, District Fazilka.

Heard.

On 16.08.2017, the following order was passed:-

“Learned counsel refers to Annexure P-1 to contend that the petitioner has solemnized marriage with the prosecutrix who projected herself as major.

Notice of motion for 19.09.2017.

The petitioner is directed to join the investigation.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

- 1. That he shall make himself available for interrogation by a police officer as and when required;*
- 2. That he shall 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 officer and;*
- 3. That he shall not leave India without prior permission of the Court.”*

Learned State counsel submits that though, no official has come present to assist her, however, it is apparent from the file that in her statement recorded under Section 164 Cr.P.C., the prosecutrix stated that she eloped with the petitioner with her own free will and consent and they solemnized marriage.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 16.08.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate

concerned.

The petition stands allowed.

06.11.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No