

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-14058-2019 (O&M)
Date of Decision:- 26.8.2019

Harmanpreet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ankur Malik, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, petitioner-Harmanpreet Singh seeks grant of anticipatory bail in respect of a case registered vide FIR No.29, dated 3.5.2018, registered at Police Station Shahpurkandi, District Pathankot, under Sections 363, 366-A, 120-B IPC (Section 376 IPC and Section 6 of POCSO Act added later on).
2. The FIR was lodged at the instance of Smt. Ram wife of Bimal Kumar, wherein it has been alleged that her daughter Nikita, aged 17 years left her home without informing them on 29.4.2018. It is alleged that on the next date Binder Kaur, mother of Harmanpreet

Singh (petitioner) informed the complainant telephonically that complainant's daughter Nikita is fine and that complainant should not discuss the matter to the police. However, since the complainant's daughter did not return back, she reported the matter to the police while alleging that her daughter had been abducted by Harmanpreet on the pretext of marriage in connivance of his mother Binder Kaur. A perusal of the documents annexed with the petition would show that in fact the petitioner and Nikita had solemnized marriage against the wishes of Nikita's parents and had thereafter approached this Court seeking for protection. This Court vide order dated 4.5.2018 (Annexure P-3) had issued certain directions for ensuring protection to the petitioner and to Nikita.

3. It is further borne out that after the aforesaid marriage, there was some matrimonial discord amongst the petitioner and Nikita. As per statement of Nikita, recorded in terms of Section 164 Cr.P.C. which has been referred to by the Trial Court in its order dated 15.2.2019, she was not dealt with properly by her husband who started beating her and also used to consume liquor and was addicted to drugs. She further stated therein that even her mother-in-law used to abuse her and used to administer injections to her thrice a day due to which she used to become unconscious.
4. The learned State counsel has opposed the petition while submitting that since the petitioner is specifically named in the FIR and it is apparent that some injections were also being administered to Nikita against her wishes and also that the petitioner had taken undue

advantage of the tender age of the victim, no case for grant of bail is made out.

5. I have considered the aforesaid submission. It is a case where the petitioner had solemnized marriage with Nikita and he along with Nikita has also approached this Court. However, subsequently it appears that there was some matrimonial discord due to which FIR was lodged. While refraining from expressing any opinion on merits of the case and bearing in mind the facts and circumstances of the case and also that the petitioner has already joined investigation, in my opinion, it is not a case warranting custodial interrogation. The petition, as such is accepted and interim directions issued vide order dated 28.3.2019 are made absolute subject to the condition that the petitioner shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. The present petition stands accepted accordingly.

August 26, 2019

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No