

Sr.No.204

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

**CRM-M-21781 of 2020
Date of decision:14.12.2020**

Balwinder Singh @ Sabhi

... Petitioner(s)

versus

State of Punjab and others

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. R.P.Dhir, Advocate
for the petitioner.

Mr. Mehardeep Singh Dulat Addl.AG, Punjab.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C seeking anticipatory bail in FIR No.21 dated 26.03.2020 registered under Sections 363, 366-A, IPC at Police Station Balachaur, District SBS Nagar.

Learned counsel for the petitioner has submitted that an FIR was lodged by the father of respondent No.2, who is now respondent No.3 in the present case namely, Manjit Kumar, on 26.03.2020 on the ground that his daughter namely, Komal was not at home and has not been traced till now

and he has full faith that petitioner has taken her away for the purpose of marriage against the wishes of the complainant.

Learned counsel has submitted that it was not a case where an offence was committed by the petitioner but it was a case where respondent No.2 and petitioner out of their own sweet will and consent wanted to marry each other. Infact they got married on 10.08.2020 and although at that point of time the girl had not attained the age of majority but on 29.12.2020 she will attain the age of 18 years and the complainant was opposing such a marriage. He has further submitted that marriage was not a voidable marriage but it was at the most an irregular marriage. Learned counsel has further submitted that even respondent No.2 who is the wife of the petitioner has also filed reply in the present case in which the aforesaid factum of marriage has been stated by her by way of an affidavit. It has been stated by her in affidavit that she got married with the petitioner on 10.08.2020 at her own free will and consent and now they are living together as husband and wife and that the aforesaid FIR was registered by her father wrongly. She has further submitted in the reply that neither respondent No.2 had enticed her away nor kidnapped her and she herself had gone with the petitioner and solemnized the marriage against the

wishes of her parents and now the parents are threatening her to marry her off to a totally an unknown person.

On 07.09.2020, this Court had directed that the petitioner will join the investigation before the Investigating Officer and granted him interim bail till the next date of hearing, on his furnishing adequate bail and surety bonds to the satisfaction of the Investigating Officer and the petitioner was also directed to comply with all the conditions of Section 438(2) Cr.P.C.

Today, learned State counsel on instructions from Gurkirat Kaur, Sub Inspector has submitted that in pursuance of the aforesaid order the petitioner has already joined investigation. He has further submitted that petitioner is fully co-operating with the investigation process and he is not required for custodial investigation.

In view of the stand taken by the learned State counsel, present petition is allowed. Order dated 07.09.2020 is made absolute.

14th December, 2020

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No