

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

(I)

CRM-M-21918-2020 (O&M)

Date of Decision:- 27.11.2020

Paramjit Kaur

... Petitioner

Versus

State of Punjab

... Respondent

(II)

CRM-M-22459-2020 (O&M)

Shamsher Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anil Kumar Garg, Advocate,
for the petitioner(s).

Mr. A.S.Sandhu, Addl. A.G. Punjab,
assisted by SI Charanjit Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Paramjit Kaur and Shamsher Singh, are seeking

grant of anticipatory bail in a case registered vide FIR No.132, dated 8.5.2019, Police Station Jandiala, District Amritsar Rural, under Sections 363, 366-A IPC (Section 376-D IPC and Sections 3, 4 and 6 of the POCSO Act added later on).

2. At the time of issuance of notice of motion on 7.8.2020 in CRM-M-21918-2020 the following order was passed :-

“The complainant alleges that while his minor daughter had been enticed by Partap Singh, his brother's minor daughter had been enticed by Harpreet Singh @ Kaka on the pretext of marriage and that in their elopement Partap's father Hardeep Singh, Partap's mother Manjit Kaur and Partap's aunt and uncle namely Paramjit Kaur and Kulwinder Singh @ Kinda had played an active role.

The learned counsel for the petitioner has submitted that complainant's daughter had voluntarily left her parental home and had solemnized marriage with Partap Singh and that the petitioner has been falsely implicated solely on account of the fact that she happens to be related to Partap Singh.

Notice of motion for 27.11.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned counsel representing the petitioners has submitted that it is a case where the complainant and also the daughter of the

complainant's brother had solemnized marriage voluntarily with Partap Singh and Harpreet Singh out of their free will and consent and in fact after solemnization of marriage, Navjot Kaur daughter of complainant along with Partap Singh had approached this Court seeking protection.

4. The learned State counsel has informed that pursuant to interim directions issued by this Court on 7.8.2020 in CRM-M-21918-2020 and vide order dated 13.8.2020 in CRM-M-22459-2020, both the petitioners have since joined investigation and are not required for custodial interrogation.
5. Having regard to the facts and circumstances and the fact that the petitioners have since joined investigation, their custodial interrogation is not warranted. Both the petitions, as such, are accepted and the interim directions issued vide order dated 7.8.2020 passed in CRM-M-21918-2020 and order dated 13.8.2020 in CRM-M-22459-2020 are hereby made absolute subject to the condition that the petitioners shall appear and join 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.

November 27, 2020
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(GURVINDER SINGH GILL)
JUDGE

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