

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 26854 of 2020

Date of Decision: 09.9.2020

Karan @ Karandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amit Arora, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 88 dated 15.07.2020 registered under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 (Offence under Section 376 IPC read with Section 6 of Protection of Children from Sexual Offences Act, 2012 was added later on) at Police Station City-2 Abohar, District Fazilka.

Learned counsel for the petitioner submits that the petitioner is the husband of Anjali and at the time of marriage, it was not informed that she was a minor. However, at a later stage, Anjali had got registered the present FIR being a minor girl alleging that her marriage with the petitioner was solemnized forcibly. He further states that the petitioner and his family members had no knowledge that the girl was minor at the time of marriage or at any subsequent stage. Moreover, Lal Singh-father of the complainant and mediator Piyaro, have been granted regular bail vide order dated

30.07.2020 passed by the learned Judicial Magistrate, Abohar. He further submits that in the statement recorded under Section 164 Cr.P.C on 16.07.2020, the prosecutrix has resiled from her earlier statement and intended not to press the FIR in question.

Notice of motion.

On the asking of this Court, Mr. Ajay Pal Singh Gill, DAG Punjab, accepts notice on behalf of the respondent-State. He has not disputed the fact that in the statement recorded under Section 164 Cr.P.C., the prosecutrix has resiled from her earlier statement.

I have heard the learned counsel for the parties.

As the prosecutrix has resiled from her earlier statement and intended not to press the FIR in question, the present petition is disposed of with a direction to the petitioner to join the investigation and if he is sought to be arrested, he shall be released on anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

(HARNARESH SINGH GILL)
JUDGE

September 09, 2020
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No