

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

CRM-M-34014-2020 (O&M)

Date of decision: 04.11.2020

Yugraj

...Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Petitioner-Yugraj in person with
 Mr. S.K. Choudhary, Advocate.

 Mr. M.S. Nagra, AAG Punjab.

 Respondent No. 2-Roshni in person with
 Mr. Sandeep Katoch, Advocate.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-27145-2020

Prayer in the present application is for placing on record the amended prayer clause of the main petition, as inadvertently wrong Section 365 IPC has been mentioned whereas the correct Section is 366 IPC.

Notice of the application.

On the asking of this Court, learned State counsel accepts notice on behalf of the respondent-State and has no objection, if the present

application is allowed.

For the reasons mentioned in the application and with no objection from the learned State counsel, the same is allowed.

Registry is directed to make necessary corrections in the petition accordingly.

Main case:

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No. 138 dated 09.07.2020, registered under Sections 363 and 366 IPC, at Police Station Division No. 2, District Pathankot.

Learned counsel for the petitioner contends that after performing marriage, the petitioner and respondent No.2 filed CRM-M-4822-2020 seeking protection to their life and liberty. The said petition had been disposed of, vide order dated 15.07.2020, directing the Senior Superintendent of Police, Pathankot, to provide necessary protection qua their life and liberty, if deemed fit. He further contends that as per the birth certificate (Annexure P-2) issued by the Municipal Corporation, Pathankot, date of birth of respondent No.2 is 08.08.2002.

Today, during video conferencing respondent No. 2 states that she has solemnised marriage with the petitioner and is residing with him since then.

Copy of reply by way of affidavit dated 03.11.2020 of the Deputy Superintendent of Police, City, Pathankot, submitted by the learned State counsel through email, is taken on record.

Learned State counsel points out that a FIR has been got registered against the petitioner by Pritam Singh-father of respondent No. 2, alleging therein that the petitioner and his family members have forcibly and unlawfully detained respondent No. 2, who is minor, as her date of birth is 08.08.2002.

During the course of hearing, learned counsel for respondent No. 2 identifies her and has not disputed the factum of marriage aforesaid.

I have heard the learned counsel for the parties.

The petitioner and respondent have solemnised marriage on 09.07.2020 and residing together happily.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, this Court finds merit in this petition and the same is allowed. The petitioner is directed to join the investigation as and when called upon to do so 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.

It is made clear that if pursuant to and in compliance with this order, the petitioner does not cooperate with the investigating agency, the investigating agency would be liberty to move an appropriate application for cancellation of bail.

(HARNARESH SINGH GILL)
JUDGE

04.11.2020
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No