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

CRM-M-1466-2021

Date of Decision: 05.03.2021

BALWINDER SINGH

.....Petitioner

Vs

STATE OF PUNAJB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Dixit Garg, Advocate
for the petitioner.

Ms. Samina Dhir, DAG Punjab.

RAJ MOHAN SINGH, J.(Oral)

Perusal of order dated 13.01.2021 would show that there is one typographical error in the middle part of the order, wherein it was observed that if the offence is punishable for imprisonment for less than three years or with fine, the same would be non-cognizable and non-bailable. Word non-bailable has been written on account of some typographical error because classification of offence in Part 2 of first Schedule of Cr.P.C. would show that if the offence is punishable for imprisonment for less than 3 years or with fine, the same would be non-cognizable and bailable.

In view of aforesaid position, word “non-bailable” is

ordered to be replaced by word “bailable”.

The petitioner seeks grant of anticipatory bail in case bearing FIR No.0201 dated 17.12.2020, registered under Section 10 of Prohibition of Child Marriage Act, 2006 at Police Station City Budhalada, District Mansa.

The petitioner is a Granthi. The allegations are that the petitioner did not verify the age of the boy who was less than 21 years of age at the time of marriage. The offence alleged against the petitioner is under Section 10 of Prohibition of Child Marriage Act, 2006, as the petitioner has issued Marriage Certificate in favour of the contracting parties. Under Section 15 of the Act of 2006, the offence is cognizable and non-bailable.

The aforesaid situation runs counter to the classification of offences as shown in Part 2 of Schedule of Cr.P.C. Since the allegations are relatable to the documents only, therefore, in my considered opinion custodial interrogation of the petitioner is not required.

In view of aforesaid, the present petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 09.03.2021 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing adequate bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as

envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

March 05, 2021
Sangeeta

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No