

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-3931 of 2022
Date of decision:29.04.2022

Ashish Kalyan

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Navraj Singh Mahal, Advocate
for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

While granting interim protection to the petitioner, this Court
passed the following order on 09.02.2022:-

“Heard through video conferencing.

*Instant petition has been filed under Section 438 of Code
of Criminal Procedure, 1973, seeking grant of anticipatory
bail in case FIR No.137 dated 09.12.2019, registered under
Sections 363/366-A/120-B of IPC, 1860, and Section 12 of
Protection of Children from Sexual Offences Act, 2012, at
Police Station Khilchain, District Police Amritsar Rural,
Annexure P-1.*

Counsel for the petitioner urges that though FIR, Annexure P-1, has been registered by the father of the minor victim on the allegation that the petitioner has enticed his daughter on the pretext of marriage, but a perusal of the order dated 31.12.2019, Annexure P-2, passed by this Court in CRWP-2662-2019 shows that the petitioner married her and they approached this Court seeking protection to their life and liberty. Still further, he submits that the purported victim is staying with the petitioner as his wife and she has given an affidavit dated 09.02.2022 to this effect, which is taken on record, and she has been blessed with a child on 31.01.2022. Counsel contends that the challan against the parents of the petitioner, who are the co-accused, has been presented, statement of mother of the alleged victim has been recorded on 25.11.2021, Annexure P-3, and she has turned hostile. Counsel submits that the petitioner is ready to join the investigation and co-operate with the Investigating Agency. He also undertakes to produce stated victim before the Magistrate concerned in the second half of March, 2022, to get her statement recorded.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab, who is present through video conferencing, accepts notice on behalf of the respondent-State. Upon instructions

from SI Devinder Singh, he submits that date of birth of the victim is 04.02.2003 and she was a minor on the date she was allured by the petitioner.

List on 29.04.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

The petitioner will produce the victim before the Illaqa Magistrate on or before 31.03.2022 and get her statement recorded.”

Report has been received from the Judicial Magistrate Ist Class, Baba Bakala Sahib, District Amritsar to the effect that statement of the victim has been recorded under Section 164 Cr.P.C., wherein, she has stated that she has married the accused-petitioner of her own volition, she is staying with him and a child has been born out of the wedlock.

Upon instructions from ASI Jaspreet Singh, State counsel submits that the petitioner has joined investigation and is not required for custodial interrogation.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 09.02.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

April 29, 2022

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes/No</i>