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

\*\*\*\*

**CRM-M-12462-2021  
Date of Decision: 14.01.2022**

Raj Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. V.S. Rishi, Advocate,  
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

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**VIVEK PURI J. (ORAL)**

The matter has been taken up through Video Conferencing due to Covid-19 pandemic.

On 18.03.2021, following order was passed:-

*“The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.*

*Counsel for the petitioner submits that ossification test of the prosecutrix was conducted and the Chief Medical Officer, Gonda, has issued a certificate of her examination (Annexure P-4). As per the certificate, the prosecutrix is about 18-19 years of age and, therefore, she has attained the age of majority, so as to perform marriage. Accordingly, the petitioner and the prosecutrix have solemnized marriage.*

*Notice of motion.*

*At this stage, Mr. Avtar Singh Sandhu, Additional Advocate General, Punjab, has put in appearance on behalf of State and submits that during the period when the application filed by the*

*petitioner under Section 438 Cr.P.C. for grant of anticipatory bail was pending consideration before the learned Additional Sessions Judge, Ludhiana, counsel for the petitioner had sought for adjournment so as to produce the victim before the Investigating Agency to get her statement recorded under Section 164 Cr.P.C., but the petitioner did not produce her so as to get her statement recorded.*

*At this stage, counsel for the petitioner submits that the petitioner undertakes to produce the girl before the police for her onwards recording her statement under Section 164 Cr.P.C.*

*Adjourned to 26.04.2021.*

*Till the next date of hearing, arrest of the petitioner shall remain stayed.”*

Subsequently on 26.07.2021, following order was passed:-

*“Learned counsel for the petitioner herein inter alia would contend that the petitioner and the prosecutrix have solemnized a marriage. The prosecutrix in fact has got her statement recorded under Section 164 Cr.P.C. in which she has not supported the prosecution version.*

*Learned State counsel pleads no instructions.*

*Adjourned to 07.12.2021.*

*Meanwhile, petitioner is directed to join the investigation within a period of one week and on doing so, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”*

Learned counsel for the petitioner contends that the petitioner has solemnized marriage with the victim. As per the Certificate of Registration of Marriage, the date of birth of the victim has been mentioned as 09.12.2020 and as such, she was aged about 20 years at that point of time.

On instructions of ASI Bhupinder Singh, learned State counsel has acknowledged the fact that the petitioner has joined investigation and his custodial interrogation is not required. It has been further stated that though age of the victim has been mentioned as 16 years in the FIR but no document to depict her date of birth and age as mentioned in the FIR has been passed on to her.

Accordingly the order dated 26.07.2021, vide which the petitioner was granted interim bail, is made absolute.

The petition stands allowed.

**14.01.2022**

*Apurva*

**(VIVEK PURI)  
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No