

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211-3)

CRM-M-15154-2022
Date of decision:- 24.05.2022

Pancham Kapoor

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.S.Rangi, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

While granting interim protection to the petitioner, this Court passed the following order on 08.04.2022:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No. 19 dated 17.08.2021, registered for offences under Sections 323, 420, 498-A and 120-B of the Indian Penal Code, 1860 (for short “IPC”) (Section 370, IPC, Section 10 of The Prohibition of Child Marriage Act, 2006, Section 81 of Juvenile Justice (Care and Protection of Children) Act, 2015 (for short “the J.J. Act”) and Section 6 of Protection of Children from Sexual Offence Act, 2012 were added later on), at Women Police Station, Naraingarh, Ambala, District Ambala, Annexure P-1.

By relying upon the Aadhar Card, Annexure P-2, as well as the age given by the complainant at the time of her medical examination, Annexure P-4, and in the present FIR, Annexure P-1, counsel urges that the complainant had attained the age of majority when her marriage was solemnized with the petitioner on 02.05.2021. He has made a reference to the interim order dated 06.03.2022 passed by the Duty Magistrate, Naraingarh to submit that offences under Section 370, IPC and Section 81 of the J.J. Act have been deleted. It is his argument that the FIR is an outcome of a matrimonial dispute between the parties. Reliance has also been placed by the counsel upon orders dated 25.10.2021 and 08.02.2022, Annexures P-10 and P-11, respectively, whereby the co-accused, who are sister and mother of the petitioner, have been granted interim bail by this Court.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, DAG, Haryana accepts notice on behalf of respondent-State. She submits that the offences were added on the basis of a School Certificate given by the complainant, wherein her date of birth is shown as 04.07.2007.

List on 13.05.2022.

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

To be heard with CRM-M-44362-2021.”

Interim bail granted to co-accused, Pooja Kapoor and Preeti Kapoor, has been made absolute by this Court vide separate orders passed on even date.

Status report by way of an affidavit of Additional Superintendent of Police, Ambala, District Ambala has been filed on behalf of State-respondent in CRM-M-5037-2022 titled as “*Pooja Kapoor Versus State of Haryana*”, wherein it has been *inter alia* submitted as under:-

“10. That in the meantime, on 05.03.2022, co-accused Kamla Verma @ Rinkle, Sandeep Dhiman and Manju wife of Ranjit Singh were apprehended in this case and were questioned and thereafter, they were arrested in this case. However, during interrogation, it has come on the record that there was no cash transaction between the parties in this case, as such the Section 370 IPC was deleted. Thereafter, the accused were produced before the Court of Ld. Illaqua Magistrate and were released on bail. It is further submitted that during interrogation, it has come on the record that the co-accused Mandeep Dhiman had got prepared forged Aadhar Card of the complainant by changing the year of date of birth of the complainant from 2007 to 2002 and also got changed the photograph of the complainant, hence Section 467/468/471 IPC were added in this case against co-accused Mandeep Dhiman, but till date co-accused Mandeep Dhiman has not been arrested in this case as he is concealing himself at unknown place. It is further submitted that the arrest of remaining co-accused person namely Pancham Kapoor is still pending.

11. That during investigation on 07.03.2022, the accused-petitioner came to the IO and produced the copy of order dated 08.02.2022 passed by this Hon'ble Court

granting interim protection, and the accused-petitioner joined the investigation with the IO and she was formally arrested in this case and in pursuance of the orders of this Hon'ble Court, the accused-petitioner was released on bail. 12. That it is relevant to submit here that the complainant and her parents have got recorded 04 (four) more cases, the details of which are as under:-

S.No.	FIR No.	U/s	Police Station
1.	357 dated 04.09.2021	195/193/323/382/383/420/430/506 IPC	PS Naraingarh, District Ambala Under Trial
2.	148 dated 21.04.2021	363/366-A IPC	PS Naraingarh, District Ambala
3.	309 dated 08.08.2021	346 IPC	PS Naraingarh, District Ambala
4.	352 dated 01.09.2021	363/366/506 IPC	PS Naraingarh, District Ambala

It is submitted that after due investigation the case bearing FIR Nos.148, 309 and 352 (above) have been cancelled, however, another case bearing FIR No.148 dated 06.09.2021 under Section 356 IPC PS Sector-09, Ambala City, District Ambala has been got registered by the Incharge, One Stop Centre, Ambala as the complainant and another fled away from the One Stop Centre, however, the complainant was traced and her custody was handed over to her parents and the above case was also cancelled as none was found involved in this case.”

State counsel has invited the attention of the Court to para 13 of the status report. Still further, upon instructions received from L/PSI, Surekha, she submits that the petitioner has joined the investigation and is no longer required for custodial interrogation.

In view of the above, order dated 08.04.2022 is made absolute, subject to the fulfilment of conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

Petition is allowed.

(SUVIR SEHGAL)
JUDGE

24.05.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No