

210 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-46338-2022 in/and
CRM-M-33911-2022
Date of Decision: 08.12.2022

MAKHAN SINGH ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Angel Walia, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

CRM-46338-2022

This is an application for addition of offence under Sections 4 and 6 of POCSO and Section 120-B IPC in the head note of the petition.

It has been stated that the offences have been added subsequent to the registration of the FIR.

The application is allowed.

Amended head note is taken on record.

Registry is directed to annex the same at appropriate place.

Application is disposed of.

CRM-M-33911-2022

On 08.09.2022, the following order was passed:-

“Petitioner is seeking anticipatory bail in the case bearing FIR No.203 dated 20.06.2022, under Sections 196/197/198/420/465/467/468/471/376 IPC, Section 10 of Children Marriage Prohibition Act, 2009 and Section 8 of POCSO Act, registered at Police Station B Division, Amritsar.

Learned counsel for the petitioner contends that Harmanpreet Kaur had solemnized marriage with Gurpreet Singh and moved an application seeking protection to the life and liberty in the Court of Sessions, Amritsar.

Precisely, the allegations against the petitioner are to the effect that he being Sarpanch had verified the particulars of Harmanpreet Kaur and facilitated issuance of Aadhar Card depicting wrong date of birth of her. It has been contended that at the earlier instance, Aadhar Card Annexure P-5 of Harmanpreet Kaur was prepared which depicts her date of birth as 04.11.2000 and the same was got prepared by her much before solemnizing marriage with Gurpreet Singh. In fact, the date of birth of Harmanpreet Kaur is 04.11.2004 and incorrect date of birth was reflected in the Aadhar Card Annexure P-5 which was prepared at

the earlier instance. The said forged Aadhar Card was prepared at the instance of the parents of Harmanpreet Kaur with a malafide intention to secure a job for her. She had even secured job in Aarti International Limited and Annexure P-6 is the copy of the identity card. The date of birth has been reflected as 04.11.2000 and the date of joining has been mentioned as 13.06.2020 i.e. about a year prior to the date when the marriage was solemnized. The petitioner being Sarpanch had only verified with regard to the particulars of Harmanpreet Kaur from the earlier Aadhar Card after she had solemnized marriage with Gurpreet Singh. The alteration in the subsequent Aadhar Card depicting the changed particulars is only with regard to the name of husband having been substituted in place of the name of her father. Same date of birth has been reflected in the Aadhar Card Annexure P-8 which has been issued on the verification of the petitioner. It has been further submitted that in her statement under Section 164 Cr.P.C, Harmanpreet Kaur has also stated that even, the Aadhar Card copy whereof Annexure P-5 which was issued at the earlier instance, was not forged by her husband and his family members.

Adjourned to 08.12.2022.

Meanwhile, it is directed that the petitioner shall join the investigation and would come present as and when called for 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.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Rajwant Kaur, has not disputed the aforesaid factual aspect and further submits that custodial interrogation of the petitioner is not required.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 08.09.2022, vide which the petitioner has been granted interim bail, is made absolute. However, this order shall also be construed to have been passed under Sections 4 and 6 of the POCSO Act and Section 120-B of IPC.

Petition is allowed.

08.12.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No