

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

213

CRM-M-44328-2021
Date of Decision:17.01.2022

GURJOT SINGH CHOHAN

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. M.S. Longia, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Ms. Jennifer Singh, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Vide the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks pre-arrest bail in case FIR No.197 dated 20.08.2021, Annexure P-1, registered under Section 376 of IPC, 1860, and Section 06 of Protection of Children from Sexual Offences Act (Amended), 2012, at Police Station Tanda, District Hoshiarpur.

While granting interim protection to the petitioner on 22.10.2021, this Court passed the following order:-

“Learned counsel for the petitioner, inter-alia, contends that the petitioner is happily married to the complainant-respondent No.2 and has referred to the marriage certificate dated 23.09.2021 (Annexure P-2) and has also stated that on the date of the said marriage, respondent No.2 was major and for the said purpose he has referred to the birth certificate dated 18.07.2017 (Annexure P-3). It is further contended that at the

time of filing of the anticipatory bail application before the Additional Sessions Judge, Hoshiarpur, the complainant had appeared through counsel and had not opposed the bail application of the petitioner.

Notice of motion.

Mr. Saurav Khurana, learned DAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 17.01.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from ASI Anil Kumar, states that the petitioner has joined the investigation and he is no longer required for custodial interrogation. He further submits that he has instructions to state that even the complainant appeared before the Investigating Officer and has submitted an affidavit to the effect that she has married the petitioner.

Counsel for the complainant/respondent No.2 submits that the complainant is residing happily with the petitioner in her matrimonial home.

In view of the above facts, the present petition is allowed and the order dated 22.10.2021 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.

17.01.2022
sheetal

(SUVIR SEHGAL)
JUDGE

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