

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

**CRM-M-44404-2021 (O&M)
Date of decision : 17.02.2022**

Suman Rani

..... Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Arihant Jain, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

CRM-5022-2022

Present application is for addition of Sections 4 and 6 of POCSO Act in the present petition.

Notice of the application to the State counsel who pleaded no objection if the same is allowed.

In view of this, the present application is allowed and Sections 4 and 6 of POCSO Act are ordered to be added in the headnote and prayer clause of the petition.

CRM-M-44404-2021

Petitioner has approached this Court praying for grant of anticipatory bail in FIR No.186 dated 29.08.2021, under Sections 376(3), 370-A, 506, 120-B of Indian Penal Code and Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006 (Sections 4 and 6 of POCSO

Act added later on), registered at Police Station City Sunam, District Sangrur.

Learned counsel for the petitioner submits that from the reading of the FIR, it is apparent that the petitioner is not named in the FIR. He submitted that she is not even related with the alleged offence. He submits that in view of the same, petitioner has been falsely implicated in this FIR on the basis of the statement recorded by the victim.

Learned State counsel has placed on record the status report filed by the State. She has vehemently opposed the submissions made by learned counsel for the petitioner. It has been submitted before this Court that the victim child is 14 years and 07 months of age. As per the investigation conducted so far, it is *prima facie* came to the light that the victim child was sold by the accused and thereafter, was married with Krishan. She also submits that during the course of investigation, Vicky, husband of the petitioner was arrested wherein, he has disclosed that the child was married with the Krishan and a price of Rs.70,000/- was taken. She submits that in all, there are 06 accused out of which, only 01 accused i.e. vicky, husband of the petitioner has been arrested whereas, rest of the accused are yet to be arrested. The status report would also reveal that subsequent to the FIR, challan has been presented against one of the accused namely, Vicky under Sections 9, 10 & 11 of the Prohibition of Child Marriage Act, 2006; Sections 370-A, 376(3), 506 & 120-B of the Indian Penal Code and Sections 4 & 6 of the POCSO Act. The petitioner has approached this Court when the offence under Sections 4 & 6 of the POCSO Act were not reflected.

I have heard counsel for the parties and perused the record.

In view of the above, this Court finds that the present case deals with a serious offence committed against the victim child who is less than 15 years of age. The challan presented against one of the co-accused is under Sections 4 and 6 POCSO Act as well. The backbone of the trial would be fair and impartial investigation. In the facts and circumstances, the Court would not interfere in the investigation going on as the same is in the domain of the investigating agency, however, *prima facie* the Court is convinced that the petitioner does not qualify for consideration of the anticipatory bail as there is every chance that free and fair investigation would be hampered in case the petitioner is released on anticipatory bail.

Resultantly, petition being devoid of any merits is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

17.02.2022
m.sharma

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