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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7182-2023 (O&M)
Date of Decision: 29.08.2023

SARABJEET SINGH@SARBJEET SINGH **.. Petitioner**

Vs.

STATE OF PUNJAB **..Respondent**

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. O.P. Kamboj, Advocate for the petitioner.
Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

...

MAHABIR SINGH SINDHU, J.

1. Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.10 dated 09.01.2023 under Sections 9 and 10 Prohibition of Child Marriage Act, 2006, registered at Police Station City Fazilka, District Fazilka.

2. Allegations against the petitioner are that the petitioner, who is a head granthi of gurudwara has solemnized marriage of a boy, who has not attained the age of 21.

3. The Co-ordinate Bench, vide order dated 10.02.2023, granted interim bail to petitioner and the same reads as under:-

> "*Present petition has been filed under Section 438 of Cr.P.C., praying for grant of anticipatory bail to the petitioner in case bearing FIR No. 10 dated 09.01.2023 registered under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 at Police Station City Fazilka District Fazilka.*
>
> *Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case as no offences have been made out under Sections 9 and 10 of Prohibition of Child Marriage Act 2006. Learned counsel further contends that petitioner acted only in good faith as the couple approached him, declaring themselves to be major and petitioner is a Head Granthi and does not have any criminal*

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> *antecedents and had no intention to commit any illegal act. Learned counsel for the petitioner further submits that no custodial interrogation of the petitioner is required as nothing is to be recovered from him and he is ready to join the investigation.*
>
> *Notice of motion.*
>
> *Mr. P.S. Grewal, DAG Punjab, who is present in the Court, accepts notice on the asking of the Court and seeks time to file status report.*
>
> *Adjourned to 05.05.2023.*
>
> *Meanwhile, in the event of arrest, the petitioner is ordered to be released on interim bail on his furnishing personal bonds and surety bonds 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."*

4. Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

5. Learned State Counsel, on instructions from ASI Jatender Singh submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

6. In view of above, interim order dated 10.02.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

9. Disposed off accordingly.

(MAHABIR SINGH SINDHU)
JUDGE

29.08.2023
Jasmine Kaur

Whether speaking/reasoned Yes No Whether reportable Yes No

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