

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

206

Criminal Misc. No. M-11196 of 2023

Date of decision :-06.07.2023

Amit Kumar @ Aryan

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Santosh Bhardwaj, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana
Assisted by SHO Baldev Singh.

Ms. Nidhi, Advocate
For respondent No.2.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.527 dated 12.9.2022, under Sections 328, 354-D, 376(2)(n), 384 and 506 IPC and Section 6 of the Protection of Children from Sexual Offence Act, 2012, registered at Police Station Bhiwani City, District Bhiwani.

Learned counsel for respondent No.2 has filed reply by way of affidavit. The same is taken on record.

On 03.03.2023, this Court had passed the following order

:-

“The present petition has been preferred seeking grant of anticipatory bail in case FIR No.527 dated 12.09.2022 under Sections 328, 354-D, 376 (2) (n), 384, 506 IPC and Section 6 of the

Protection of Children from Sexual Offence Act, 2012, at Police Station Bhiwani City, District Bhiwani, Haryana.

Learned counsel for the petitioner submits that the prosecutrix and the petitioner were in live-in-relationship and had developed physical relationship as both of them intended to get married. She further submits that the FIR was lodged under the pressure of the parents of the prosecutrix as on that date, the petitioner was not of marriageable age as he had not completed 21 years of age. She submits that now the petitioner has attained the marriageable age and the petitioner as well as the prosecutrix have got married on 11.02.2023, and therefore, the petitioner be granted concession of anticipatory bail.

Notice of motion.

Mr. Munish Sharma, AAG, Haryana, accepts notice on behalf of the State.

At this stage, Ms. Nidhi, Advocate has put in appearance on behalf of respondent No.2 and filed his vakalatnama, which is taken on record. She submits that the FIR was lodged under the pressure of her parents and she acknowledges the factum of marriage between the parties.

It is strange situation and new trend has started where the parties attaining the age of majority, have started entering into non-marital agreement and live-in contracts as in the present case and then when the disharmony occurs, these documents are brought into play by both the parties. The serious allegations under Sections 354-D, 376 (2) (n), 384, 506 IPC and Section 6 of the Protection of Children from Sexual Offence

Act are invoked and subsequent thereto, live-in contracts are made as a shield.

Apparently, the complainant side has misused and abused the process of law and there is no dearth of truth in lodging of the FIR, which is evident from the present set of circumstances. Accordingly, a word of caution is issued to the complainant and let her explain as to why appropriate action should not be taken against her and her parents for lodging this false FIR, before the next date of hearing.

Without commenting on the merits, the petitioner shall join investigation on 10.03.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency even thereafter

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 06.07.2023.”

Learned State counsel, on instructions from SHO Baldev Singh states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 03.3.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the

investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

July 06, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No