

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17876-2023 (O&M)
Date of decision : 21.08.2023

Labha @ Taini ... Petitioner(s)

Versus

State of Punjab and others ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Robin Singh, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab for respondent No.1.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0112 dated 18.07.2022 under Sections 363 and 366 of the Indian Penal Code, 1860 registered at Police Station Kamboj, District Amritsar, Punjab.
2. On 13.04.2023 the following order was passed :

“Labha @ Taini has filed anticipatory bail application under Section 438 Cr.P.C. in FIR No.0112 dated 18.07.2022 under Section 363 and 366 of IPC, registered at Police Station Kamboj, District Amritsar, Punjab, alleging that the alleged victim has attained majority and they have performed marriage. In pursuance of this, they have also filed protection petition before the learned Sessions Judge, Amritsar and

accordingly, the protection was provided as per order dated 14.02.2023, which is Annexure P-2. However, it is conceded that at the time of registration of FIR, the said victim was a minor. The petitioner is ready to join the investigation. Her affidavit is also placed on record as Annexure P-4.

Notice of motion.

On the asking of this Court, Mr. Kunwarbir Singh, Assistant A.G. Punjab accepts notice on behalf of the State.

Considering the aforesaid factual position, the arrest of the petitioner is stayed till next date, subject to the joining of investigation.

Adjourned to 10.07.2023.

Status report be filed by the respondent – State by the adjourned date.”

3. Learned counsel for the petitioner would contend that pursuant to the said order, the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Sukhwant Singh, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now. Learned counsel has further stated that the girl and the petitioner have solemnized their marriage and are residing together.

5. In view of the above, the order dated 13.04.2023 is made absolute. The petitioner shall, however, join investigation as and when

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called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

21.08.2023

Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO