

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29894-2023
Date of Decision: 12.10.2023

SARABJIT KAUR AND ANOTHER ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vinod Kumar Kaushal, Advocate for the petitioners.
Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

1. On 07.06.2023, following order was passed by the Co-ordinate

Bench:

“1. Petitioner No.1-Sarabjit Kaur, aged 46 years and Petitioner No.2-Manpreet Kaur, aged 21 years have filed the instant petition for seeking concession of anticipatory bail in case FIR No.80 dated 17.04.2023 under Sections 363, 506, 376, 120-B of IPC and under Section 4 of Protection of Children from Sexual Offences Act (Amended) 2012, 2019, registered at Police Station Civil Lines, District Police Commissionerate Amritsar.

2. Counsel for the petitioners submits that as per the version of the FIR, on 20.08.2022, marriage of victim i.e. respondent No.2 was performed with Amarjeet Singh @ Deepak in Gurudwara Nanaksar near the village at Airport Road, who is son of petitioner No.1 and brother of petitioner No.2.

Counsel submits that in fact, Amarjeet Singh @ Deepak & respondent No.2 were having love affair and both decided to get married and said fact is clear from the photographs which have been appended with the petition (Annexure P-3). After performing marriage, a marriage certificate was also issued by Gurudwara Sahib Nanak Pura, which is also appended with the present petition (Annexure P-4). Thus, counsel submits that levelling the allegation of physical relationship with the victim by Amarjeet Singh @Deepak, after issuance of threat are absolutely false and concocted.

In fact, said marriage was not acceptable to the family members of the victim and therefore, a concocted version has been prepared by implicating all the family members of Amarjeet Singh @ Deepak (main accused).

3. Counsel further points out that even in the FIR registered against the petitioner, it is alleged that petitioners had threatened the complainant to have physical relations with Amarjeet Singh @ Deepak, otherwise would be killed. He also submits that such an allegation is much away to the truth. Even, there is nothing alleged that petitioners have ever threatened the respondent No.2, before performing the marriage or at the time of performing the marriage.

4. Counsel submits that petitioners are innocent and they are ready to join the investigation and also submits that if petitioner No.2, who is unmarried, is sent behind the bars, it would reflect adversely towards her future career.

5. Notice of motion.

6. On asking of Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab, who is present in Court, accepts notice on behalf of respondent No.1(State). On being asked by the Court about the statement of the victim (respondent No.2) recorded under Section 164 Cr.P.C., after getting instructions from ASI Versa Singh, learned State counsel informs that nothing has been stated by the victim against the present petitioners in her statement under Section 164 Cr.P.C.

Adjourned to 12.10.2023.

7. In the meanwhile, the petitioners are directed to join the investigation on 14.06.2023 or as and when required to do so by the Investigating Agency. In the event of their arrest, the petitioners shall be released on ad-interim bail, subject to their furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioners shall also abide by all the conditions laid down under Section 438 Cr.P.C. ”

2. Learned counsel for the petitioners contend that in pursuance of the interim directions, the petitioners have joined the investigation.

3. Learned State counsel, on instructions from ASI Balwinder Singh, has submitted that the petitioners have joined the investigation and their custodial interrogation is not required.

4. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 07.06.2023 is made absolute.

12.10.2023

Janki

(VIVEK PURI)
JUDGE