

2023:PHHC: 105018

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

**CRM-M-34702-2022
Date of decision: 11.08.2023**

SURJIT KUMAR**...PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENT**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.S. Manhas, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Ms. Ekjot Sandhu, Advocate
for the complainant.

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking anticipatory bail in case FIR No. 22 dated 07.06.2022 under Sections 376, 409, 417, 420, 494, 506, 120-B IPC and Section 4 of the Protection of Children from Sexual Offence Act (Amended, 2012, 2019) and Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 registered at Police Station Nangal Bhoor, District Pathankot.

2. On 10.08.2022 following order was passed:-

“Counsel for the petitioner urges that there was a matrimonial discord between the complainant and Gurnam Singh, which was settled by virtue of agreement, Annexure P-3. According to the counsel in terms of the said agreement, a sum of Rs.2.25 lac entrusted to the petitioner is to be paid to the complainant after the terms of the agreement are given effect to. Counsel submits that, without admitting the allegations levelled in the FIR, in order to show his bona fide, petitioner has deposited an amount of Rs.2.25 lac with the Registrar General of this Court.

Counsel for the complainant had submitted that the petitioner has physically assaulted her and also extending threats to her. This aspect has

been enquired into by the State and upon instructions from ASI Naresh Kumar, State counsel submits that the petitioner was not found present at the spot as alleged by the complainant.

List on 24.01.2023.

Meanwhile, the petitioner shall join the investigation on 23.08.2022 at Police Station Nangal Bhoor, District Pathankot or on any subsequent day as required by the Investigating Officer. In the event of his arrest, he will be released on interim bail on his furnishing personal and surety bonds to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

Petitioner shall furnish an affidavit to the Investigating Officer as well as to this Court within a period of two weeks from today, to the effect that he will not directly or indirectly contact or meet the complainant or cause any harm to her or intimidate her, physically or electronically or by any other means during the pendency of the proceedings arising out of the FIR, Annexure P-1.

2. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner had joined the investigation. Furthermore, he had already deposited a sum of Rs. 2.25 lacs in the Registry of this Court in terms of order dated 10.08.2022. The petitioner has no claim over the said amount.

3. Learned State counsel on instructions from Kuldeep Singh, submits that a cancellation report was submitted at the earlier instance but further investigation has been ordered by the learned Illaqa Magistrate. Furthermore the petitioner had joined the investigation in pursuance of the interim directions and custodial interrogation is not required.

4. Learned counsel for the complainant submits that the petitioner had been threatening the complainant and she had submitted representation with regard to the police authorities.

5. On a query, learned State counsel submits that no such representation has been received.

6. Learned counsel for all the parties have concurred to the fact that an amount of Rs. 2.25 lacs, which has been deposited in the Registry of this Court

may be transferred to the Court of learned Illaqa Magistrate, Pathankot and the appropriate orders with regard to disbursement of the said amount may be passed by him in accordance with law at the appropriate stage of the trial or proceedings before it.

7. Order accordingly.
8. In these set of circumstances, the petition is allowed and the order dated 10.08.2022 is made absolute.

11.08.2023
manoj

(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No