

CRM-M-51128-2022

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213+2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51128-2022

Date of Decision:24.02.2023

MOHAN SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Angel Walia, Advocate
for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

On 16.11.2022 following order was passed:

“The petitioner is seeking anticipatory bail in the case bearing FIR No.203 dated 20.06.2022 under Sections 196/197/198/420/465/467/468/471/376 IPC, Section 10 of Children Marriage Prohibition Act, Section 8 of POCSO Act (Sections 4 and 6 of POCSO Act and Section 120-B IPC added later on) registered at Police station B Division, Amritsar.

Learned counsel for the petitioner contends that his son Gurpreet Singh co-accused has solemnized marriage with the victim and they had moved an application seeking protection to their life and liberty in the Court of learned Sessions Judge, Amritsar. It has been further stated that the date of birth of the victim has been recorded as 04.11.2020 in the Aadhar Card. The date of birth was recorded at the instance of the parents of the victim with a mala-fide intention to secure the job for her. The victim had even secured the job in Aarti International Limited and Annexure P-6 if the copy of identity card. Even in the service record, her date of birth has been mentioned as

04.11.2000 and the date of joining has been mentioned as 13.06.2020 i.e. about a year prior to the date when the marriage was solemnized.

In her statement recorded under Section 164 Cr.P.C., the victim has specifically and categorically stated that she has solemnized marriage with Gurpreet Singh, the son of the petitioner with her free consent and a child has also been born from the wedlock. She has not imputed any allegation against the petitioner. The victim has now been released from Narineketan, Jalandhar and presently, residing in the house of the petitioner as his daughter-in-law. Furthermore, the co-accused, namely, Makhan Singh and Nirmal Kaur have been granted interim bail by this Court.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 20.01.2023.

To be heard alongwith CRM-M-42381-2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned State counsel submits that petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim protection granted to the petitioner vide order dated 16.11.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the

State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

24.02.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>