

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

209+2

CRM-M-54788-2022

Date of Decision: 17.02.2023

Kehar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Rishab Goyal, Advocate for
Mr. Angel Walia, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Baldev Singh)

JAGMOHAN BANSAL, J. (ORAL)

On 08.12.2022, the 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 brother 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 04.11.2000 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 brother 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 her in-laws. The petitioner is having separate residence from other family members. 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.

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, on instructions from ASI Baldev Singh, submits that the petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 08.12.2022 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

17.02.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>