

209/1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57548-2022
Date of Decision: 01.08.2023

SURAJ BHAN

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Satbir Gill, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

* * * *

VIVEK PURI, J. (ORAL)

1. On 09.12.2022, following order was passed:

“The present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.44 dated 07.03.2022 registered under Section 346 IPC, 1860 (later on added) Sections 344/354(c)/384/380/506/366-A/368/457/379/376- D/376(2) (n) IPC, 1860, Sections 25/54/59 of Arms Act, 1959 and Sections 66-E/67-A of Information Technology Act, 2000 at Police Station Bhattu Kalan, District Fatehebad.

Learned counsel for the petitioner contends that the FIR has been registered under Section 346 IPC on the basis of the statement of the father of the prosecutrix who is stated to be aged about 22 years. The petitioner attained the age of 21 years on 26.09.2022 and solemnized marriage with the prosecutrix on 29.09.2022. Annexure P-2 is the certificate of marriage. The petitioner and the prosecutrix had also approached this Court vide CRWP-9788-2022 seeking protection to their life and liberty alleging that they have solemnized marriage. The prosecutrix is happily residing in the matrimonial house with the petitioner.

Notice of motion.

Mr. Karan Garg, AAG, Haryana accepts notice on behalf of the respondent-State and seeks time to get instructions and submit reply in the matter.

On his request, adjourned to 13.04.2023.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C. ”

2. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.
3. Learned State counsel, on instructions from SI Jai Lal, has submitted that the petitioner has joined the investigation and his custodial interrogation is not required.
4. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 09.12.2022 is made absolute.

01.08.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No