

205

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60394-2022 (O&M)
Date of decision : 13.10.2023

Sukhmani @ Sulakhani

... Petitioner(s)

Versus

State Of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Malkiat Singh, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Sumit Puri, Advocate for the complainant
(through video conferencing).

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.244 dated 14.10.2022 registered under Sections 376, 506 of the Indian Penal Code, 1860 and Section 4 of Protection of Children from Sexual Offences Act, 2012 and under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, at Police Station Dharamkot, Moga.

2. On 23.12.2022 the following order was passed :

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.244 dated 14.10.2022,

registered for offences under Sections 376, 506 of the Indian Penal Code, 1860, under Section 4 of Protection of Children from Sexual Offences Act, 2012, and under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, at Police Station Dharamkot, Moga, Annexure P-1/T.

Counsel for the petitioner urges that FIR, Annexure P-1/T, has been registered on allegation that the petitioner in connivance with the coaccused forcibly got the minor daughter of the complainant married. He submits that there are allegations that she was physically and sexually exploited. By referring to photographs, Annexure P-2, he submits that complainant's daughter was happy with the marriage and the dispute is being raised by her mother-complainant.

Notice of motion.

On asking of the Court, Mr. P.S.Grewal, DAG, Punjab, accepts notice on behalf of the respondent-State. He seeks and is granted time to get instructions and file a status report.

List on 01.03.2023.

In the meanwhile, no coercive action shall be taken against the petitioner, who is a young lady of 28 years of age, till the next date ”

3. Learned counsel for the petitioner would contend that the petitioner has since joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Malkiat Singh, has stated that the petitioner has since joined investigation and has

CRM-M-60394-2022 (O&M)

-3-

fully cooperated and that she is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 23.12.2022 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

13.10.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO