

281 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9938-2024 (O&M)

DATE OF DECISION : 23.04.2024

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... PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. S.S.Thakur, Advocate for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Mr. Anshul Sharma, Advocate for respondent Nos. 2&3.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.81 dated 02.07.2023 registered at Police Station Amargarh, District Malerkotla, under Sections 363, 366-A, 120- B, 366 IPC (Later on Section 376-D, 506 IPC added).

2. On 26.02.2024 following order was passed:

“xxxx Learned counsel for the petitioner inter alia contends that petitioner is sister of co-accused namely, Gulam Nabi with whom the prosecutrix had performed marriage on 06.02.2024. Even the matter has been compromised between the parties. As per compromise deed dated 06.02.204(Anneuxre P-3), the prosecutrix was not minor. As per the Oscification Report dated 24.11.2023 (Annexure P-4) and as per the opinion on the basis of the Department of Radiodiagnosis, the radiological bone age of the prosecutrix is between the 16 to 19 years. As per medical jurisprudence plus minus two years can be considered.

Notice of motion.

On advance notice, Ms. Himani Arora, AAG, Punjab, appears on behalf of the State and Mr. Anshul Sharma, Advocate, who is present in Court, has filed his Vakalatnama on behalf of respondents No.2 and 3 in Court which is taken on record and

confirmed the factum that compromise has been effected between the parties and also confirms about the solemnization of the marriage of the co-accused with the complainant.

Adjourned to 23.04.2024.

In the meanwhile, the petitioner is directed to join investigation within ten days and in the event of arrest, he shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-

(i) That the petitioner shall further make himself available for interrogation by a police officer as and when required.

(ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned. ”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order dated 26.02.2024 passed by this Court.

4. Learned counsel appearing on behalf of the respondent-State has also confirmed that the petitioner has joined investigation and her custodial interrogation is not required.

5. In view of the reasons recorded in the order dated 26.02.2024 and keeping in view the fact that the petitioner has joined investigation, her custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 26.02.2024 granting interim bail to the appellant is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

23.04.2024

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(HARPREET KAUR JEEWAN)
JUDGE