

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

**CRM-M-11847-2024 (O&M)
Date of decision : 23.04.2024**

Sandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sirat Sapra & Mr. Kartik Sachdeva, Advocates
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.0010 dated 09.01.2023, under Sections 9 & 10 of the Prohibition of Child Marriage Act, 2006, registered at Police Station City Fazilka, District Fazilka.

(2) Short reply by way of an affidavit dated 20.04.2024 of Sh. Shubeg Singh, DSP, Sub Division Fazilka, District Fazilka has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

(3) Above FIR was registered on the basis of statement made by complainant-Sawinder Singh with the allegations that petitioner along with Karamjeet Kaur filed petition before learned District & Sessions Judge,

Fazilka seeking protection of their life and liberty at the hands of their parents/relatives of girl in view of the marriage solemnized against their wishes. During hearing, learned Court concluded that petitioner, 20 years, was minor at the time of alleged marriage and made it clear that the same order will not prevent the police authorities to proceed against petitioner-Sandeep Singh under Section 9 of the Prohibition of Child Marriage Act, 2006 and against the Head Granthi Sarabjeet Singh of Gurudwara Dukh Niwaran Sahib, District Fazilka under Section 10 of the Act. Hence, present FIR was registered.

(3) Contends that petitioner was granted interim bail by this Court, vide order dated 06.03.2024 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required.

(4) Learned State Counsel, on instructions from ASI Jagdish, acknowledged the above factual position and submits that as on today, custodial interrogation of the petitioner is not required.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It is not in dispute that petitioner was granted interim bail by this Court on 06.03.2024 and the order reads as under:-

“Notice of motion.

On the asking of the Court, Mr. Neeraj Madaan, Sr. DAG, Punjab accepts notice on behalf of respondent-State and seeks time to have instructions and/or file short affidavit regarding complicity of the petitioner.

Posted for 23.04.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of

hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

- (7) It is acknowledged by learned State Counsel on instructions from ASI Jagdish that in pursuance of the aforesaid order, petitioner joined the investigation and as on today, his custodial interrogation is not required.
- (8) In view of the above, present petition is allowed; interim order dated 06.03.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (9) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (10) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (11) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (12) Pending application(s), if any, shall also stand disposed off.

23rd April, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No