



**101+205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-40360-2024 in/and
CRM-M-20539-2024
Date of decision: 23.10.2024

Mohammad AarifPetitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Karan Bhardwaj, Advocate
for the applicant/petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

CRM-40360-2024

The present application has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for placing on record the amended memo of parties in compliance of order dated 06.05.2024 passed by this Court.

In view of the averments made in the application, the same is allowed and amended memo of parties in compliance of order dated 06.05.2024 passed by this Court is taken on record.

CRM-M-20539-2024

The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail in case bearing FIR No.74 dated 05.06.2020 under Sections 363/366-A of IPC registered at Police Station City Jagraon, District Ludhiana Rural.

Learned counsel for the petitioner *inter alia* contends that the petitioner and the prosecutrix were fell in love with each other and their



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relationship was opposed to the parents of the prosecutrix and both of them got married on 29.05.2020 and out of this wedlock, a girl child was born on 29.01.2022. He further submits that the petitioner and the prosecutrix are cohabiting together as legally wedded husband and wife and petitioner came to know about the registration of the FIR (*supra*) after he was declared as proclaimed offender. Thereafter, the petitioner approached this Court by filing CRM-M-14081-2024 titled as 'Mohammad Aarif vs. State of Punjab' and this Court vide order dated 03.05.2024, allowed the said petition of the petitioner and order dated 16.11.2020 passed by the learned Sub Divisional Judicial Magistrate, Jagraon, vide which he was declared as proclaimed offender, was quashed. Thereafter, the petitioner has filed anticipatory bail before the learned trial Court which was dismissed and it is further submitted that at this stage, the trial is progressing and custodial interrogation of the petitioner is not required. He further relies upon the ratio of law as laid down by the Hon'ble Supreme Court in 'K. Dhandapani v. The State' 2022(2) R.C.R.(Criminal) 987 , a Full Bench judgment of Delhi High Court passed in 'Court on its Own Motion(Lajja Devi) versus State' 2012(4) CCR 72 and judgment of this Court passed in 'Devendranath v. State of U.T. Chandigarh and Others' CRM-M-23281-2023, to contend that the continuation of the proceedings in FIR (*supra*) are abuse of the process of law. The prosecutrix has performed marriage with the petitioner and residing with him as his legally wedded wife and continuation of the proceedings would hamper not only the matrimonial life of the prosecutrix but would also affect the upbringing of their daughter.



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The learned State counsel, on instructions from ASI Saminderjeet Singh, submits that the final report has been filed on 13.07.2021 and the trial Court has consigned the record after declaring the petitioner as proclaimed offender.

Having heard learned counsel for the parties and after perusal of the record, it transpires that the petitioner and the prosecutrix are cohabiting together as husband and wife and they are blessed with a daughter.

In view of the above, the present petition is disposed of and the petitioner is directed to appear before the learned trial Court within a period of two weeks from today and on his doing so, the learned trial Court shall admit him to the bail on his furnishing fresh bail bonds/surety bonds to its satisfaction.

**(HARPREET SINGH BRAR)
JUDGE**

23.10.2024

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