



Sr. No.218(02)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20637-2024
Date of decision: 16th July 2024

SHEKHAR MINOR THROUGH HIS
MOTHER MANJU DEVIPetitioner

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Digvijay Nagpal, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

None for the complainant.

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.10 dated 20.01.2023, registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib, Punjab, under Sections 365, 342, 376(2)(n), 323 and 34 IPC (Annexure P-1).
2. On 25.04.2024, the following order was passed:-

“xxx xxx xxx xxx

Learned counsel for the petitioner inter alia contends that the petitioner is minor. The prosecutrix was major even on the date of registration of the FIR. However, she has solemnized marriage with the co-accused of the petitioner namely Sagar on 15.05.2023. The photo-copy of the marriage certificate is submitted in the Court which is taken on record. It has been further contended that both the co-accused of the petitioner and complainant have sought protection of life and liberty by way of filing CRWP-5017-2023 in this Court and as per order dated 24.05.2023 (Annexure P-3), the said petition was disposed of with a direction to the Senior Superintendent of Police, Fazilka to consider the representation filed jointly by the co-accused of the petitioner and the complainant. A compromise deed (Annexure P-4) has also been executed between



them. The matter stands compromised. The prosecutrix has also executed a duly sworn affidavit (Annexure P-5). The matter is kept pending awaiting the orders.

Notice of motion.

On advance notice, Mr. Kewal Singh, Addl. A.G. Punjab appears on behalf of the State and Mr. Jugraj Waraich, Advocate has put appearance on behalf of the complainant.

Learned State counsel seeks time to verify the facts. However, this fact has been confirmed that the statement of the prosecutrix under Section 164 Cr.P.C. has been recorded by the Area Magistrate, Sri Muktsar Sahib.

Adjourned to 16.07.2024 for awaiting the orders from Hon'ble the Division Bench of this Court in case CRM-M-17856-2020 and other connected cases, titled as Jatin Vs State of Punjab which was reserved on 07.03.2024.

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.

xxx xxx xxx xxx”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the aforesaid order dated 25.04.2024, passed by this Court.

4. Learned State counsel, on instructions from HC Nishan Singh, confirms that the petitioner has joined investigation and also contends that his further custodial interrogation is not required.



5. In view of the reasons recorded in the order dated 25.04.2024 and keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 25.04.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

7. However, liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

8. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

16th July 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No