

2024:PHHC:015267

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

213

CRM-M-36952-2023

Date of decision:05.02.2024

Tej Kaur @ Bholi

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Bhavesh Aggarwal, Advocate, for the petitioner.

Mr.Hemant Aggarwal, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.48, dated 06.03.2023, registered for the offences punishable under Sections 376, 372, 120-B of IPC and Section 4 of the POCSO Act (Section 6 of the POCSO Act added subsequently) at Police Station City Jagraon, District Ludhiana City.

2. On 31.10.2023 the following order was passed:-

"1. Petitioner is seeking anticipatory bail in case bearing FIR No.48 dated 06.03.2023 under Sections 376, 372, 120-B IPC and Section 4 of the POCSO Act (Section 6 of the POCSO Act added subsequently) registered at Police Station City Jagraon, District Ludhiana City.

2. Learned counsel for the petitioner contends that as per the allegations, the marriage of the prosecutrix was solemnized with one Gurpreet Singh about 4 years prior to the registration of the FIR. About 11 months ago, the petitioner had taken the

prosecutrix on the pretext of dining and after consumption of meals, she became unconscious. When she gained consciousness it was found that the petitioner had sold the prosecutrix to Ram Kumar Baath, co-accused. It has been further submitted that in fact the prosecutrix had solemnized marriage with Ram Kumar Baath, co-accused of her own accord and the prosecutrix had herself approached the petitioner to mediate in the marriage. The fact of marriage of the prosecutrix with Ram Kumar Baath is made out from the marriage deed and the photographs. The authenticity of the aforesaid documents have been verified by the State. It has been further submitted that the prosecutrix had disclosed her age to be about 20 years at the time of medical examination and even in the FIR. The prosecutrix is presently residing in the house of her husband Gurpreet Singh and co-accused Ram Kumar Baath is in custody.

3 Learned State counsel has not disputed the fact that the documents placed on record by the petitioner have been got verified and furthermore, the prosecutrix is residing in the house of her husband, Gurpreet Singh.

4. Adjourned to 05.02.2024.

5. Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

3. Learned State counsel on instructions from ASI Narinder Kumar has stated that pursuant to the order dated 31.10.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the interim order dated 31.10.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

February 05, 2024
poonam

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