



206

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38334-2024 (O&M)
Date of decision: 09.09.2024

Jasim

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Umesh Pandey, Advocate and
Mr. M.M. Pandey, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Akash Sheoran, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail in case bearing FIR No.114 dated 01.07.2023 under Sections 363, 366-A, 376, 452, 506 of the Indian Penal Code, 1860, Section 4 of the Protection of Children from Sexual Offences Act, 2012 Act (for short 'POCSO Act') and Section 6 of POCSO Act (added later on) registered at Police Station Nagina District Nuh.

2024:PHHC:117687



2. On 07.08.2024, the following order was passed:-

“The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.114 dated 01.07.2023 under Sections 363/366-A/376/452/506 of IPC and Section 4 of POCSO Act registered at Police Station Nagina District Nuh.

Learned counsel for the petitioner inter alia contends that petitioner and daughter of the complainant fell in love with each other and their relationship was opposed by the complainant due to which, the victim had eloped with the petitioner and FIR (supra) was registered on the statement of her father, thereafter, both of them performed marriage on 13.05.2024 as discernible from the marriage certificate (Annexures P-2 & P-3). Further, the victim has already made a detailed representation before the Superintendent of Police, Mewat and specifically stated that she has married the petitioner with whom she was in relationship and she wants to spend her life with him.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon’ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

2024:PHHC:117687



If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 09.09.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel, on instructions from LSI Rekha, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 07.08.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.
5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

09.09.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No