

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-41871-2023

Date of decision: 20.03.2024

NAVISH DAMANA ALIAS NISHU

...PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Sarju Puri, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Vijay Kumar, Advocate
for respondent No.2.

SUMEET GOEL, J.

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.41 dated 10.04.2023, registered for the offences punishable under Sections 363, 366, 376, 120-B, 109, 315 of IPC and Section 6 of Protection of Children from Sexual Offences Act, at Police Station Garhshankar, District Hoshiarpur.

2. On 18.12.2023, the following order was passed:-

“1. The petitioner is seeking anticipatory bail in the case bearing FIR No.41 dated 10.04.2023 under Sections 363, 366, 376, 120-B, 109, 315 IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Garhshankar, District Hoshiarpur.

2. Learned counsel for the petitioner contends that the FIR has been registered on the allegations that the petitioner was having physical relation with the victim on the false pretext of marriage. In fact the petitioner and the victim were in a relationship. The date of birth of the victim is 24.08.2004. After attaining the age of majority, the victim has solemnized marriage with the petitioner on 11.04.2023.

Annexure P8 is the Marriage Certificate. The marriage was duly registered with the Registrar of Marriage, Union Territory, Chandigarh and Annexure P9 is the Certificate of Registration of marriage.

3. Adjourned to 06.03.2024.

4. In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

3. Learned counsel for the petitioner has further submitted that petitioner and respondent No.2 have since solemnized marriage upon respondent No.2 having attained the age of majority.

4. Learned counsel for respondent No.2 has ratified this aspect of the matter.

5. Learned State counsel, on instructions from ASI Lakhbir Singh, has stated that pursuant to the order dated 18.12.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

6. In view of above, the present petition is allowed and interim order dated 18.12.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

7. 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.

8. 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.

9. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 20, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No