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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40561-2024 (O&M)
Date of decision: 23.09.2024

Sahil

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pardeep Sehrawat, Advocate for
Mr. Vivek Goyal, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing
IR No.53 dated 15.07.2024 under Sections 376(2)(n) of the Indian Penal
Code, 1860 and Sections 3 & 4 of the Dowry Prohibition Act, 1961,
registered at Police Station Women Police Station Yamnanagar, District
Yamunanagar.

2. On 22.08.2024, the following order was passed:-

*“The instant petition has been filed under Section 482 of the
Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to*

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as BNSS) for grant of anticipatory bail to the petitioner in FIR No.53 dated 15.07.2024 registered under Sections 376(2)(n) IPC and Section 3, 4 of the Dowry Prohibition Act, 1961 of the BNS at Police Station Women Police Station, Yamnanagar, District Yamunanagar.

Learned counsel for the petitioner inter alia contends that the petitioner and the complainant were in a consensual relationship and they had also performed roka ceremony on 03.06.2024. However, the marriage could not take place, as the petitioner was below the legal age to perform marriage. He has not denied to solemnize marriage with the complainant nor demanded any dowry. Further there is nothing on record to remotely suggest that the petitioner has exploited the complainant/prosecutrix on the pretext of marriage.

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 and opposes the prayer for grant of anticipatory bail to the petitioner.

*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; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, petitioner is directed to appear before the Investigating Officer on or before 29.08.2024 and on his doing so or in the event of arrest, petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the*

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Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 492 of BNSS.

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 Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 23.09.2024.

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 ASI Meena Rani, 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 22.08.2024 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

23.09.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No