

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M No.44568 of 2023

Net Ram
... Petitioner
Versus
State of Punjab
... Respondent

2. CRM-M No.60648 of 2023

Indraj & another
... Petitioners
Versus
State of Punjab
... Respondent

Date of decision: 4th January, 2024

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gursharan Singh, Advocate for
Mr. Varinder Chhibbar, Advocate for the petitioners.
Mr. APS Tung, Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in both the petitions detailed hereinabove, are seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.60 dated 17.06.2023 under Sections 9, 10, 11 of the Prohibition of Child Marriage Act, 2006 registered at Police Station Bahawala, District Fazilka.
2. Vide separate orders passed by a Coordinate Bench of this Court on 06.09.2023 and 02.12.2023, petitioner Net Ram, husband of the

minor (victim), along with petitioners Indraj and Maya Devi, were directed to join investigation and cooperate with the investigating agency.

3. Learned counsel appearing on behalf of the petitioners submits that in compliance of the said orders, the petitioners have joined investigation and cooperated with the investigating agency, and hence, in the circumstances, their custodial interrogation would not be required.

4. Learned State counsel, on instructions from ASI Surinder Pal, has submitted that petitioner Net Ram had solemnized marriage with the victim, who was a minor being 16 year old, after colluding with her parents i.e. petitioners Indraj and Maya Devi, against her wishes; an assurance was given that since the victim was a minor, no physical relations would be established with her by petitioner Net Ram, however, he forcibly established physical relations with her and also subjected her to physical assault. Learned State counsel, has however not disputed the factum of the petitioners having joined investigation and cooperated with the investigating agency in compliance of orders dated 06.09.2023 and 02.12.2023 of this Court. He, on further instructions submits that the petitioners are not required for further investigation much less for their custodial interrogation. He further submits that the petitioners are not involved in any other criminal case.

5. In the circumstances, the petitions are allowed and the interim orders dated 06.09.2023 and 02.12.2023 are made absolute

subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the bail granted to them.

(MANJARI NEHRU KAUL)
JUDGE

January 04, 2024
rps

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