

CRM-M-46587-2024
Date of decision: 18.10.2024

...PETITIONER

STATE OF PUNJAB

...RESPONDENT

Present: Mr. Munish Puri, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 of BNSS (2023), seeking anticipatory bail in case bearing FIR No.69 dated 30.07.2024 under Sections 137(2)/87/351(2) of BNS, 2023 registered at Police Station Taragarh, District Pathankot.

2. On 18.09.2024, following order was passed:

“The present petition has been filed under Section 482 of BNSS (2023), seeking anticipatory bail in case bearing FIR No.69 dated 30.07.2024 under Sections 137(2)/87/351(2) of BNS, 2023 registered at Police Station Taragarh, District Pathankot.

Learned counsel for the petitioner inter alia contends that the petitioner and daughter of the complainant fell in love with each other and their relationship was opposed to the complainant, as such, they eloped and performed marriage on 04.08.2024 and thereafter, approached this Court by way of filing CRWP-7589-2024 titled as 'Shubh Karni and another Vs. State of Punjab and others' seeking protection and this Court vide order dated 08.08.2024 (Annexure P-3) disposed of the joint petition filed by the petitioner and daughter of the



complainant. The daughter of the complainant was 17 years and 11 months old at the time of registration of the FIR and now, she is major and she is cohabiting with the petitioner as his legally wedded wife.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, 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.*

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 18.10.2024.

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 SI Hemraj, submits that in compliance of order dated 18.09.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial



interrogation.

4. Keeping in view the statement made by learned State Counsel, the order dated 18.09.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482 (2) BNSS.

5. The petition is accordingly disposed of.

6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

October 18, 2024
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(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No