

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

210

CRM-M-55233-2023 (O&M)

Date of Decision: 30.01.2024

GURBINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. R.S. Bhatia, Advocate
for the petitioner.

Ms. Himani Arora, AAG Punjab.

HARPREET KAUR JEEWAN , J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.0095 dated 19.07.2023 registered under Sections 363, 366-A of the IPC at Police Station Khuian Sarwar, District Fazilka.

2. The allegations against the petitioner are that the petitioner had enticed away the prosecutrix, who is aged about 17 years and 9 months on the pretext of solemnizing marriage with the prosecutrix. The FIR was registered at the instance of the mother of the prosecutrix who reported that on 14.07.2023 at about 9 am, the prosecutrix left home saying that she is going to village Sayida Wali to take admission but she did not return back home. On enquiry, the complainant came to know that the petitioner had enticed away the prosecutrix on the pretext of marriage.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case. The petitioner and prosecutrix had jointly

filed CRWP No.7080 of 2023 seeking protection of their life and liberty. The said petition was disposed of by the Coordinate Bench of this Court on 19.07.2023 (Annexure P-4). Thereafter, the mother of the prosecutrix had filed CRM-M-9000-2023, which was disposed of by the Coordinate Bench of this Court vide order dated 04.10.2023 (Annexure P-6) after noting that the statement of the prosecutrix under Section 164 Cr.P.C had recorded and the prosecutrix had been sent to Udhbhav Awas, Abohar after producing her before Child Welfare Officer, Fazilka.

4. Learned counsel for the petitioner further contends that the petitioner and the prosecutrix had solemnized their marriage on 14.07.2023. The petitioner had joined the investigation in pursuance to the order dated 06.11.2023 passed by the Coordinate Bench of this Court.

5. On 06.11.2023, the Coordinate Bench of this Court passed the following order:-

“Learned counsel for the petitioner would contend that the petitioner and the daughter of the complainant had filed CRWP-7080-2023, which was disposed off on 19.07.2023, seeking protection of their life and liberty. Subsequently, the petitioner and the daughter of the complainant had solemnized their marriage on 14.07.2023.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent-State of Punjab. Mr. Manpreet Singh Dua, Advocate has accepted notice on behalf of respondent No.3.

Learned counsel for the State, on instructions from ASI-Lekh Raj, has stated that the victim in her statement recorded under Section 164 CrPC has stated that she had gone voluntarily with the petitioner and that and she also refused to get her medical conducted.

List on 30.01.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

6. Learned counsel appearing on behalf of the respondent-State on instructions from ASI Baghel Singh confirms that the petitioner has joined investigation in compliance of the order dated 06.11.2023 passed by the Coordinate Bench of this Court.
7. Keeping in view the reasons recorded in the order dated 06.11.2023 and in view of the aforesaid facts, the present petition is allowed and the order dated 06.11.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.
8. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

**(HARPREET KAUR JEEWAN)
JUDGE**

30.01.2024
P.Bhatt

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