



209

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-60006-2024 (O&M)
Date of Decision: 17.12.2024

AMIT KUMAR

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Omkar Chauhan, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1.
- The present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in
case bearing FIR No.157 dated 30.08.2024 under Sections 9/10/11 of Child
Marriage Prohibition Act, 2006 (Section 6 of POCSO Act added later on)
registered at Police Station Sadar Panipat, District Panipat (Annexure P-1).
2.
- On 29.11.2024, following order was passed:

*“The present petition has been filed under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to
the petitioner in case bearing FIR No.157 dated 30.08.2024 under
Sections 9/10/11 of Child Marriage Prohibition Act, 2006 (Section 6 of
POCSO Act added later on) registered at Police Station Sadar
Panipat, District Panipat (Annexure P-1).*

*Learned counsel for the petitioner inter alia contends that
the petitioner and the prosecutrix have performed marriage and are
legally wedded husband and wife, thereafter, when the
victim/prosecutrix became pregnant, a complaint was lodged by a
neighbour/complainant of the prosecutrix against her
husband/petitioner to settle scores with the father of the
victim/prosecutrix as her father earlier filed a complaint against the
son of the complainant. He further submits that no complaint was ever*

made either by the prosecutrix or by her parents and as a counterblast to the FIR dated 27.05.2023, the complainant filed the FIR (supra).

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.

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 on or before 06.12.2024 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 482(2) of BNSS (earlier 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 17.12.2024.

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 Yogesh, submits that in compliance of order dated 29.11.2024 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 29.11.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C./482(2) of B.N.S.S.
5. The petition is accordingly disposed of.

17.12.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No