



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

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CRM-M-5198-2025

Date of decision : 03.03.2025

Rinku

....Petitioner

V/S

State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Nitin Bhanwala, Advocate for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

None for respondents No.2 & 3 despite service.

NAMIT KUMAR, J. (ORAL)

1. This petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.316 dated 09.11.2024 registered under Sections 9, 10 & 11 of Child Marriage Prohibition Act, 2006 (Sections 115, 65(1) & 351(2) of Bharatiya Nyaya Sanhita, 2023 and Section 6 of Protection of Children from Sexual Offences Act, 2012 were added later on) at Police Station Matlauda, Panipat.

2. Brief facts of the case are that on 09.11.2024, a complaint from the Protection and Child Marriage Prohibition Officer, Panipat was received in the Police Station Matlauda stating therein that on 30.09.2024, a complaint was given by the victim that her mother forcibly solemnized her marriage with Rinku (the petitioner) on 01.04.2024. The victim and her mother were called and the statement of

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her mother was recorded in which she stated that on 01.04.2024, she had solemnized the marriage of her daughter with Rinku s/o Dariya Singh r/o Village Urlana Kalan, District Panipat in a Banquet Hall located near Bus Stop, Matlauda. Thereafter, on 10.10.2024, accused-Rinku was also called at the office of Protection Officer, Panipat and his statement was also recorded. On verification of various documents i.e. School Certificate and Birth Certificate, the age of the victim was found to be 15 years, 04 months and 28 days at the time of her marriage. On the basis of the said complaint, the abovesaid FIR was registered.

3. Status report by way of an affidavit of Sh. Rajbir Singh, HPS, Deputy Superintendent of Police, City Panipat, on behalf of the responnent-State, has been filed in the Court which is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. He has further argued that the age of the victim was never disclosed to the petitioner's family and it was always told that the victim has attained the age of majority. The victim girl is in love affair with some other boy and before her marriage with the petitioner, she ran away with the same boy. Since the family of the victim was not happy with her decision, therefore, they decided to marry her with the petitioner without disclosing her age to the petitioner. He further argued that the petitioner is not involved in any other case. Nothing is to be recovered from the petitioner and his custodial interrogation is not required. The petitioner is ready to join the investigation.



5. Per contra, learned State counsel has opposed the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner had solemnized marriage with a minor girl who was aged about 15 years, 04 months and 28 days at the time of marriage. She argued that as per statement of the minor girl, after their marriage, the petitioner used to drink and beat her and forced her to make physical relations. She has further argued that custodial interrogation of the petitioner is necessary for thorough investigation of the case, therefore, he does not deserve the concession of anticipatory bail.

6. I have heard learned counsel for the parties and perused the record.

7. As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Pradeep Sharma (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. (now Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023) is somewhat extraordinary in character and it is to be exercised only in exceptional cases, where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty.

8. As per the prosecution, the petitioner had solemnized marriage with the victim on 01.04.2024, when her age was only about 15 years, 04 months and 28 days. The statement of the victim girl under Section 183 of BNSS, 2023 was recorded on 14.11.2024 in which she has stated as under :-

“Stated that on 01.04.2024, my mother forcefully married



me to a boy named Rinku. The boy used to beat me and forced me to have physical relations. He used to drink and torture me. One day he was drunk and said to me to run away where ever you go, so that's why I ran away saving myself. I was kept locked in the matrimonial house. Husband has also threatened many times. Please take legal action."

9. The allegations against the petitioner are serious in nature. Custodial interrogation of the petitioner may provide information leading to discovery of material facts. Curtailing of his freedom is necessary in order to enable the investigation to proceed without any hindrance and to protect the witnesses at this stage.

10. Reliance can be placed upon the Hon'ble Supreme Court dictum passed in ***Prem Shankar Prasad v. The State of Bihar and another, 2021(4) RCR (Crl.) 598*** and ***Anil Kumar Singh v. High Court of Judicature at Patna through its Registrar General and another, (2020)19 Supreme Court Cases 364***, whereby the Hon'ble Apex Court had denied the concession of anticipatory bail in view of the gravity of offences and the conduct of the petitioner.

11. No other point has been argued.

12. In view of the facts and circumstances of the case, I am of the considered view that petitioner cannot *prima facie* be said to have been falsely enroped in the crime and therefore, his custodial interrogation is necessary in the case and that petitioner may abscond and misuse his liberty and does not deserve concession of anticipatory bail.

13. In view of the above, the present petition is dismissed.



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14. However, nothing stated hereinabove shall be construed as
a final expression of opinion on the merits of the case.

03.03.2025

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No