



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

**CRM-M-13057-2025
Date of Decision:07.03.2025**

DAVINDER SINGH

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Isha Goyal, Advocate and
Mr. Raja Parandeep Saini, Advocate for the petitioner.
Mr. Jaspal Singh Guru, AAG Punjab.

SANDEEP MOUDGIL, J. (Oral)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of the Bharitya Nagrik Suraksha Sanhita, 2023 for grant of anticipatory bail to the Petitioner in FIR No. 188 dated 13.9.2024 under Sections 419, 465, 468, 471, 120-B IPC and Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006 registered at P.S. City Tarn Taran District Tarn Taran.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

*To, Hon'ble District Child Protection Officer, District Tam Taran.
Subject:- Regarding forced marriage of my minor girt Manpreet Kaur (born on 12.12.2007) against accused: 1. Davinder Singh son of Gurdev Singh (husband of my daughter) 2. Gurdev Singh son of not known (my daughter's father-in-law) 3. Gurdev Singh's wife (my daughter's mother in law) all residents of village Kandgil, Police Station Sadar Tarn Taran, Tehsil and District Tarn Taran. 4. Baljit Kaur wife of Balwinder Singh (my wife) resident of Mohalla Nariaksar, Street Dr. Jaspal Singh Wali, Jandiala Road Tarn Taran, Police Station City Tarn Taran, Tehsil*



and District Tarn Taran. 5. Baba Joga Singh Sakhira, Granthi Gurdwara Hatho Sahib, Shaheed Baba Naina Singh Ji, Near Navi Sara, Opposite Sant Singh Sukha Singh Public School, Tarn Taran, Tehsil and District Tarn Taran for getting FIR registered against the said persons immediately. Sir, I Balwinder Singh (aged about 48 years) son of S. Vasan Singh son of Sr. Inder Singh am resident of Gali Dr. Jaspal Singh Wali, Rohi Kanda, Mohalla Nanaksar, Jandiala Road, Tarn Taran, Tehsil and District Tarn Taran and I request you as follows- 1. That my marriage took place on 27th February 2002 according to Sikh rituals and customs with Smt. Baljit Kaur daughter of Kashmir Singh resident near Gurdwara Bhai Mant Sahib ji Amritsar and after marriage, two children Husanpreet Singh (aged about 19 years) and girl Manpreet Kaur (born on 12/12/2007) were born in my house. My son Husanpreet Singh has passed the twelfth standard while my daughter Manpreet Kaur is studying in the eleventh standard at Mata Ganga Girls College, Tarn Taran 2. That I have a business of selling frying snacks in Tarn Tarn city. I go to my work every morning with the snacks etc. put on my motorbike and come back home in the evening. My wife Baljit Kaur, my daughter Manpreet Kaur and my son Husanpreet Singh live in my house. I keep my daly allowance and all my money with my wife Batt Kaur. 3. That for the last 4-5 years, my wife Baljit Kaur and my daughter Manpreet Kaur serve Langar, Prakrama and Sunyara Sahib along with other devotees in Sri Darbar Sahlb Taran Taren. 4. That my wife Boljit Kaur is a characterlins woman and she has a good relationship with Davinder Singh son of Gurdev Singh resident of village Kadgil who serves Langar in Sri Darbar Sahib. My wife fixed my daughter Manpreet Kaur's relationship with Davinder Singh without asking me and without my consent and I did not even know about it. Later Davinder Singh's father Gurdev Singh and Davinder Singh's mother fixed the relationship between Manpreet Kaur and Davinder Singh by luring my wife Baljit Kaur with money. 5 That in April 2024 my wife and my daughter were fully under the control of Davinder Singh, his mother and his father and my wife and my daughter started fighting with me on small things and then on the request of Davinder Singh, her mother and father Davinder Singh took my wife Baljit Kaur and



my daughter Manpreet Kaur on 06/06/2024 at around 11.00 pm from my house alongwith my 50 thousand rupees in cash, gold jewellery, two bags of clothes and other important documents and valuable things alongwith Davinder Singh, his mother and father Gurdev Singh escaped from home and went to Kadgil village. I and my relatives kept looking for my wife Baljit Kaur and daughter Manpreet Kaur but they were not found. 6 That on the next day on 07/06/2024 at around 11.00 pm Davinder Singh son of Gurdev Singh, Davinder Singh's mother and about 15 armed men led by Sarpanch Harpal Singh alias Bhala of Village Kadgil came to our house with the intention of kidnapping me and my son and the accused started breaking the door of my house with sticks, baseballs and other weapons and they started shouting and started giving Lalkaras that Balwinder Singh should be caught and killed, on which the people of my Village came to the spot in large numbers due to which the accused including alongwith their weapons being afraid of the Village people, ran away from the spot. If the people of my neighborhood had not gathered on the spot, the said accused would have kidnapped and killed me and my son. 7. That I reported this incident in Police Station Cty Tarn Taran where the Assistant Sub Inspector wrote my statement and got my signatures on two blank papers. But the police has not yet taken any action against the accused and now t have come to know after investigation, that before my wife and my daughter escaped from home, on 10/05/2024 Sarpanch Harpal Singh of Village Kandgil and three or four other prominent men have arranged the marriage of my minor daughter Manpreet Kaur and Davinder Singh at Gurdwara Dhora Sahib, Saheed Baba Naina Singh Ji, near Navi Sara Tarn Taran. Gurudwara's Granthi Giani Joga Singh Sakhira performed the rituals of Sri Anand Karaj and the marriage certificate issued by Joga Singh Granthi on the Gurdwara Sahib's letter pad has been signed by Davinder Singh, my daughter Manpreet Kaur, Davinder Singh's father Gurdev Singh and my wife Baljit Kaur, while according to Joga Singh Granthi, my wife herself has forged my signatures, whereas, I have no knowledge about this. My wife along with the said accused persons has violated the law by marrying my minor daughter aged about 16 years 06 months with Davinder Singh and has stolen 50



thousand rupees in cash, gold jewellery, valuable clothes and important documents from my house and my wife Baljit Kaur is also currently living at the in-law house of my daughter Manpreet Kaur's house at Village Kandgil. Therefore, it is requested that please register FIR against the said accused persons immediately on account of forced marriage of my minor daughter, because I and my son are in serious danger of life and property from the said accused. If there is any loss caused to me or my family's life, then the said accused will be responsible. I will be very grateful to you. Dated 15.07.2024 Applicant correct- Balwinder Singh son of S. Vasan Singh resident of Gali Dr. Jaspal Singh Wali, Mohalla Nanaksar, Jandiala Road, Tarn Taran 79735-72213 Note: Photocopy of my daughter's Aadhaar card, birth certificate and marriage certificate issued by Gurdwara Sahib as proof of her age is attached with the Complaint. District Child Protection Unit District Administration Complex Room No 311 Mobile: 73074-33144 Email: depotarntaran@gmail.com Letter No. 308-IGP-2-DI-11.09.2024 To, Senior Superintendent of Police, Tarn Taran, Letter No. DCPU/TT/24/279-dated- 17.07.2024 21-Sutpect: Regarding taking action on account of forced marriage of a minor giri Manpreet Kaur (Date of Birth 12.12.2007). In relation to the above subject, it is requested that a Complaint has been received in the Office from Balwinder Singh son of Vasan Singh resident of Gall Dr. Jaspal Singh Wall, Rohi Kanda, Mohalla Nanaksai, Jandiala Road Tarn Taran in which it has been stated by Balwinder Singh that his minor daughter Manpreet Kaur has been married to Davinder Singh son of Gurdev Singh without her consent. The girl Manpreet Kaur is minor and thus, you are humbly requested that appropriate action be taken against the accused persons In the said case and the report should be kindly sent to the undersigned on 22.07.2024 at 10:00 am. Enclosed Complaint Sd/-District Child Protection Officer, Tarn Taran Dated: 17.07.2024 Serial No.: DCPU/TT24. A copy of above is forwarded for information to the Chairman, Punjab State Commission for Protection of Child Rights, Punjab. SD/ District Child Protection Officer, Tarn Taran, Office of Sr. Superintendent of Police, Tarn Taran, Diary No. 200/6/m-17.07 2024 Responsibility DSP/CAW, Sho Ps City for compliance and



sent the report within 2 days DSP/CAW/TTN, 1059-5E received 12.08.2024 Ps City TTn Conclusion Report:-Scrutiny of application has been done by calling both the sides through mobile phone and this matter has come out from my investigation and the applicant Balwinder Singh son of Vasan Singh son of Inder Singh resident of Gali Dr. Jaspal Singh Wall, Jandiala Road, Tarn Taran, Pahat Singh son of Sukhdev Singh resident of Kud Gill and statements of opposing parties Baljit Kaur wife of Balwinder Singh resident of Mohalla Nanaksar, Tarn Taran, Harpal Singh son of Nirmal Singh resident of Kud Gill, Baba Joga Singh son of Kartar Singh, resident of Tarn Taran presently Gurdwara Hatho Sahib, Shaheed Baba Naina Singh Ji, Tarn Taran, Manpreet Kaur daughter Balwinder Singh resident of Mohalla Nanaksar, Tarn Taran have been taken. Married girl Manpreet Kaur Aadhaar Card No. 6052 2222 6135 born on 12.02.2006 aged 18 years and Davinder Singh Aadhaar Card No. 5586 1572 2591 born on 20.04.2001 aged 23 years. The date of birth of the girl Manpreet Kaur as per the Aadhaar card 6052 2222 6135 submitted by the applicant Balwinder Singh is 12.12.2007 and the age of the victim girl Manpreet Kaur on the birth certificate is 12.12.2007. That the date of birth of the girl Manpreet Kaur was confirmed from Sri Guru Arjan Dev Government Senior Secondary Smart School Girls, Tam Taran and Office Municipal Council, Tam Taran and the age of the girl was found to be 12.12.2007. When the girl Manpreet Kaur got married on 10.06.2024, at that time Manpreet Kaur was 16 years and a few months old, which is a minor. Whose mother Baljit Kaur intentionally married Manpreet Kaur to Davinder Singh, according to the marriage certificate, the boy Davinder Singh son of Gurdev Singh, resident of Kudd Gill and his father Gurdev Singh & the girl Manpreet Kaur's mother Baljit Kaur who signed the Marriage Certificate herself on behalf of Balwinder Singh and Baba Joga Singh's while getting an application for marriage certificate submitted by the abovesaid persons without filling gave the marriage certificate of the Gurudwara Sahib. That from my investigation, Harpal Singh resident of Nirmal Singh, resident of Kad Gill and Baba Joga Singh, son of Kartar Singh, resident of Tarn Taran at present Gurdwara Bera Sahib, Shaheed Baba Naina Singh ji, Tarn Taran,



have no role in the same and they are proved innocent. Davinder Singh son of Gurdev Singh resident of Kad Gill, Gurdev Singh resident of Kad Gill, Gurmeet Kaur wife of Gurdev Singh resident of Kad Gill and Baljit Kaur wife of Balwinder Singh resident of Mohalla Nanaksar, Taran Taran are found to have committed offences under Sections 420, 465, 471, 120-B IPC & Sections 4, 5, 6 of The children Marriage Rastuaing Act 1929 for getting a minor girl married and action needs to be taken under the said sections. If found to be correct then while taking opinion of Honorable DA Legal District Attorney, Taran Taran direction be given to get FIR registered against Davinder Singh son of Gurdev Singh resident of Kad Gill, Gurdev Singh son of Jeet Singh resident of Kad Gill, Gurmeet Kaur wife of Gurdev Singh resident of Kad Gill, Baljit Kaur wife of Balwinder Singh resident of Mohalla Nanaksar, Tarn Taran. Report is being submitted for further legal action. Sd/- Harjinder Singh, INSP Station House Officer, Police Station City Tarn Taran Dated 12.08.2024. Office Deputy Superintendent of Police, Sub-Division, Tarn Taran. To, Senior Superintendent of Police, Tam Taran. Number 708-D dated 27.08.2024. Subject: Regarding Complaint Ne. DCPU/TT/24/279 dated 17.07.2024 and 341-5E/DSP-CAW dated 18.07.2024 from Balwinder Singh son of Vasan Singh resident of Gali Dr. Jaspal Singh, Rohi Kanda, Mohalla Nanaksar, Jandiala Road, Tarn Taran. Sir, it is requested that the above-numbered Complaint Inspector Harjinder Singh, Station House Officer, Police Station City Tam Taran's Office No. 1059-5E dated 12.08.2024 alongwith the report was received and on reading the report, it was found that above numbered application of Balwinder Singh above against Davinder Singh son of Gurdev Singh, Gurdev Singh son of Namlum, Gurdev Singh's wife all residents of Kad Gil, Baljit Kaur wife of Balwinder Singh resident of Mahalla Nanaksar, Gali Dr. Jaspal Singh Wali, Jandiala Road, Tarn Taran and Baba Joga Singh Sakhira Granthi Singh Gurdwara Peda Sahib, Shaheed Baba Naina Singh Ji, Near New Sara, Tarn Taran has been given regarding the forcible marriage of his minor daughter Manpreet Kaur (bom on 12.12 2007). Inspector Harjinder Singh Station House Officer, Police Station City Tarn Taran found that at the time of marriage, the girl Manpreet Kaur Aadhaar card number 6052 2222 6135 date of



birth 12.02.2006 was 18 years old and Davinder Singh Aadhaar card number 5586 1572 2591 was born on 20.04.2001 and was aged 23 years old. The date of birth of the girl Manpreet Kaur as per the Aadhaar card 6052 2222 6135 submitted by the applicant Balwinder Singh is 12.12.2007 and the age of the victim girl Manpreet Kaur on the birth certificate is 12.12.2007. That the date of birth of the girl Manpreet Kaur was confirmed from Sri Guru Arjan Dev Government Senior Secondary Smart School Girls, Tarn Taran and Office Municipal Council, Tarn Taran and the age of the girl was found to be 12.12.2007. When the girl Manpreet Kaur got married on 10.06.2024, at that time Manpreet Kaur was 16 years and a few months old, which is a minor. Whose mother Baljit Kaur intentionally married Manpreet Kaur to Davinder Singh, according to the marriage certificate, the boy Davinder Singh son of Gurdev Singh, resident of Kudd Gill and his father Gurdev Singh & the girl Manpreet Kaur's mother Baljit Kaur who signed the Marriage Certificate herself (as per statement of Baba Jog Singh). From the investigation of Station House Officer, City Tam Taran Harpal Singh resadent of Nirmal Singh, resident of Kad Gill and Baba Joga Singh, son of Kartar Singh, resident of Tam Taran at present Gurdwara Bera Sahib, Shaheed Baba Naina Singh ji, Tam Taran, have no role in the same and the accused Davinder Singh son of Gurdev Singh resident of Kad Gill, Gurdev Singh resident of Kad Gill, Gurmeet Kaur wife of Gurdev Singh resident of Kad Gill and Baljit Kaur wife of Balwinder Singh resident of Mohalla Nanaksar, Taran Taran are found to have committed offences under Sections 420, 465, 471, 120-B IPC & Sections 4, 5, 6 of The children Marriage Restraint Act 1929 and after getting FIR registered in Police Station City Tarn Taran, the further inquiry should be done. If you agree to the report of the Station House Officer, City Tarn Taran then after taking the opinion of Honorable DA Legal District Attorney, Taran Taran direction be given to get FIR registered against Davinder Singh son of Gurdev Singh resident of Kad Gill, Gurdev Singh son of Jeet Singh resident of Kad Gill, Gurmeet Kaur wife of Gurdev Singh resident of Kad Gill, Baljit Kaur wife of Balwinder Singh resident of Mohalla Nanaksar, Tarn Taran, for the said directions, the Investigation report is being sent to your goodself for further



action. The report of Station House Officer, City Tarn Taran is attached herewith for your perusal. The report is being submitted for directions. Sd/- (Kamaljit Singh P.P.S.), Deputy Superintendent of Police, Sub-Division, Tarn Taran. No. 71-R-DDA(L) dated 09.09.2024 Vide:- Letter No. 708-D dated 27.08.2024, 308-IGP2 dated 11.9.2024. Subject: Regarding Complaint No. DCPU/TT/24/279 dated 17.07.2024 and 341-5E/DSP-CAW dated 18.07.2024 from Balwinder Singh son of Vasan Singh resident of Gali Dr. Jaspal Singh, Rohi Kanda, Mohalla Nanaksar, Jandiala Road, Tarn Taran. Sir, I have read the documents attached with the report. After reading the investigation report it is clear that Baljit Kaur wife of Balwinder Singh (Complainant) has got her minor daughter Manpreet Kaur aged about 16 years and 6 months married to Davinder Singh son of Gurdev Singh aged about 23 years on 10.06.2024. Though Manpreet Kaur's original date of birth was 12.12.2007, but the opposite party while changing the date of birth on Manpreet Kaur on Aadhar Card to 12.2.2006 got a fake one prepared and while using the same as genuine got the marriage done from Baba Joga Singh, son of Kartar Singh, resident of Tarn Taran at present Gurdwara Bera Sahib, Shaheed Baba Naina Singh ji, Tarn Taran and Harpal Singh resident of Nirmal Singh, resident of Kad Gill while fooling them. Baljit Kaur wife of Balwinder Singh signed on behalf of her husband herself in front of the Granthi for the said marriage and in getting this marriage done father of Davinder Singh Gurdev Singh son of Jeet Singh and his mother Gurmeet Kaur wife of Gurdev Singh resident of Kad Gill gave full support and the marriage was completed by conspiracy. Therefore, I agree with the report of the investigating officer and as per my opinion FIR be registered against Baljit Kaur wife of Balwinder Singh resident of Mohalla Nanaksar Tarn Taran, Davinder Singh son of Gurdev Singh, Gurdev Singh son of Jit Singh and Gurmeet Kaur wife of Gurdev Singh residents of village Kad Gill for aiding and abetting the marriage of a minor girl with an adult Davinder Singh by preparing a fake Aadhar card and using it as a real one. BNS has been implemented but the crime was committed during the old law, so case be registered under Sections 419/465/468/471/120-B IPC & Sections 9, 10, 11 of The Prohibition of Child Marriage Act, 2006 (As amended upto



date) at concerned Police Station and while involving the victim girl, her statement should also be recorded and after her medical if other Sections are made out, then the same should be added and if anyone else's involvement is found during the investigation, then action should be taken against him as well. If approved. Correct/- Charanjit Singh Deputy-District Attorney (Legal), Tarn Taran dated 10.09.2024, Hon'ble S.S.P. Tarn Taran. SHO PS City TTn to register the case and investigate. Sd/- Sr. Supdt. Of Police, Tarn Taran dated 11.09.2024.

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends *inter alia* that though at the time of marriage, the girl-Manpreet Kaur, who is the daughter of the complainant, was minor, but subsequently she appeared before the Court and gave a statement that she had an affair with the petitioner and she married him as per her own wish without there being any force or coercion who (petitioner) then got exonerated of allegations levelled against him. Learned counsel for the petitioner further submits that an application has also been submitted to the Superintendent of Police, Tarn Taran, by the said Manpreet Kaur that now she is major (more than 17 ½ years of age) and wants to join the company of the petitioner, which is pending with the Superintendent of Police, Tarn Taran, for consideration.

On behalf of the State

Learned State Counsel appearing on advance notice, denies the knowledge of any such pending application, but would submit that the complaint was lodged and then converted into FIR. Learned State counsel denies the concession of anticipatory bail to the petitioner stating that once the minor girl herself made a statement before the Additional Sessions



Judge, Tarn Taran that she has been given beatings by the petitioner.

4. **Analysis**

Looking into the totality of the facts and circumstances of this case, which is of a girl who is more than 17 ½ years of age now, who ran away from her home being in love affair with the present petitioner, though made varying statements, now wants to join the company of his husband regarding which application has also been submitted to the Superintendent of Police, Tarn Taran, which is pending consideration. These assertions are taken to be correct and for which the petitioner alone cannot be attributed with the offences in question, and the State Counsel is unable to produce any incriminating material against him, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has *bona fide* intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Relief**

In the light of above, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

“When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

07.03.2025

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