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

CRM-M-46580-2024

Date of Decision:- 21.03.2025

BILLU AND ANR

...Petitioners

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. S.K. Chaudhary, Advocate for petitioners.
(Through V.C.)

Ms. Guramrit Kaur, DAG, Punjab.

AMARJOT BHATTI, J. (Oral)

1. Petitioners Billu and Saif Ali have filed instant petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.36 dated 30.03.2024 under Section 346 IPC (Sections 366, 376, 120-B of IPC, Sections 6 and 9 of POCSO Act, 2006 added later-on) registered at Police Station Sujanpur, Pathankot.

2. As per facts of case, complainant gave his statement that his younger sister namely 'F' aged about 19 ½ years old left the house on the intervening night of 14.03.2024 along with Muskin. She also took away cash of Rs.55,000/- and gold ornaments along with her. Matter was reported to the police for taking legal action.

3. Learned counsel for petitioners argued that allegations levelled against them are without any basis. They were granted interim bail vide order dated 18.09.2024 passed by Coordinate Bench and accordingly they



have already joined the investigation. Alleged victim has solemnized marriage with main accused Muskin and they also approached High Court of Jammu & Kashmir and Ladakh at Jammu and filed WP (C) No.973-2024 seeking protection of their life and liberty which was disposed of vide order dated 06.05.2024 (Annexure P-2). Statement of alleged victim was recorded before Judicial Magistrate 1st Class, Pathankot on 11.06.2024 (Annexure P-3). There are no allegations of rape against present petitioners. They are ready to join the investigation as and when required. Therefore, interim bail already granted in their favour may be confirmed.

4. Status report is filed confirming the facts detailed in the FIR. It is pointed out that as per rapat No.19 dated 15.05.2024, 9 accused were arrayed in the present FIR. Victim was produced before the Magistrate on 11.06.2024 for recording of her statement. She was taken to Civil Hospital, Pathankot but refused for her medical examination. It is pointed out that victim was pregnant and she was residing with the main accused. Other accused are yet to be arrested. Victim was minor at the time of alleged occurrence. It is pointed out that custodial interrogation of present petitioner is still required to complete the investigation for the offence under Section 9 of the Prohibition of Child Marriage Act, 2006 so that supplementary challan can be presented. Learned State counsel pointed out that victim is to be recovered.

5. I have considered the arguments and have gone through the record. Admittedly, present petitioners have joined the investigation. No recovery is to be effected from them. Learned counsel representing State has failed to elaborate for what purpose custodial interrogation of present



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petitioners is required. So far as factual position is concerned, she was recovered and was produced before Judicial Magistrate 1st Class, Pathankot on 11.06.2024 and her statement was also recorded. In case, victim was minor, it was for the Investigation Officer to take appropriate steps at the relevant time. In light of this, request of learned State counsel is not justified. Therefore, without going on the merits of the case, interim bail already granted vide order dated 18.09.2024 is confirmed subject to the conditions envisaged under Section 482 (2) BNSS.

6. Petition is, accordingly, disposed of.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

21.03.2025

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(AMARJOT BHATTI)
JUDGE

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