



CRM-M-51958 of 2025

-1-

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

103/2

CRM-M-51958 of 2025
Date of Decision: 16.09.2025

Jaswinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Gurmeet Singh Saini, Advocate for the petitioner.

Mr. Ravinder Singh, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.0072 dated 20.06.2025 registered under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, at Police Station Zira, District Ferozepur.
2. Brief facts as per the prosecution case are that the petitioner along with other co-accused was involved in marrying minor girls in contravention of the Prohibition of Child Marriage Act, 2006.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that the petitioner has been nominated in the present case only because of the reason that she is the mediator in the alleged marriage. He further argued that she has not participated in the alleged marriage. Learned counsel has further argued that the custodial interrogation of the petitioner is not required and she is ready



and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Ferozepur, vide order dated 26.08.2025.

5. Notice of motion.

6. Learned State counsel, who has appeared on advance notice of the petition, has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He argued that the present petitioner is specifically named in the FIR and she has played an active role in the crime in question as she along with co-accused had solemnized the marriage of minor girls aged 15 years and 12 years to a 38 years old man. He further argued that the custodial interrogation of the petitioner is required for fair and proper investigation in the matter. Hence, he prays for dismissal of the petition.

7. This Court has heard learned counsel for the parties and perused the paper book.

8. The Prohibition of Child Marriage Act, 2006 was enacted with underline object to curb the menace of child marriages and declares every child marriage voidable and makes its performance and promotion a punishable offence, the menace of child marriage unfortunately still persists in several parts of the country, a considerable number of such instances still remain unreported.



9. Various studies conducted by non-governmental organizations and independent groups reveal the alarming persistence of child marriages despite the enactment of the 2006 Act. At times, such marriages take place with the involvement of the people like the present petitioner (mediator), adult spouse as well as the family of the minor, notwithstanding the statutory embargo against the solemnization of such unions.

10. The present case is a glaring example where parents of a minor girl child of only 15 years have chosen to marry her off to a man of 38 years, and when she came back crying, then the other minor daughter merely 12 years old was sent with the alleged groom. The present petitioner is stated to be the mediator who played an active role in solemnizing the marriage.

11. In these circumstances, when the very act complained of reflects gross illegality and social evil, the perpetrators, mediators including the parents who facilitated the marriage, cannot claim the discretionary relief of anticipatory bail, for granting such protection would amount to putting premium on a crime against the child as well as the society.

12. It is also befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma', (1997) 7 SCC 187**, wherein it has been held as under:

"6. We find, force in the submission of CBI that custodial



CRM-M-51958 of 2025

-4-

interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."

13. Considering the allegations against the petitioner, this Court finds no merit in the present petition in the factual matrix of the case in hand. The custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is accordingly dismissed.

14. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(RUPINDERJIT CHAHAL)
JUDGE

16.09.2025

D.Bansal

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