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

CRM-M-62216-2024

Date of Decision:- 30.01.2025

PRABHJOT KAUR

....Petitioner

Vs.

STATE OF PUNJAB

...Respondents.

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms. Navjot Kaur, Advocate for petitioner.

Mr. Gautam Thapar, AAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner has filed instant petition under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR No.54 dated 06.09.2024 under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 and Section 65, 137 (2), 87 of BNS, 2023 (Sections 6 and 17 of POCSO Act added later-on) registered at Police Station Bholath, District Kapurthala (Annexure P-1).

2. Facts of the case are that office of Child Development Project Officer, Nadala filed written complaint to SHO Police Station Bholath for registration of case under Prohibition of Child Marriage Act. It is alleged that marriage of minor Deepika daughter of Sandeep Kumar was performed with Karamjit Singh son of Lakhwinder Singh Goldy, at boy's residence, Ward No.13, village Kamarai, Bholath, Kapurthala on 20.06.2023 according to Hindu rites. It was further alleged that from the

side of girl Smt. Balvir Kaur participated in marriage and from boy family Lakhwinder Singh Goldy, mother of the boy Smt. Sukhwinder Kaur, sister Prabhjot Kaur, uncle of boy Balwinder Singh Jelly, aunt Sukho and others were also present. Age of girl was 13 years and 7 months. Therefore, her marriage could not be performed as same is in violation of the provisions of Prohibition of Child Marriage Act, 2006. Investigation was carried out and the present FIR has been registered.

3. Learned counsel for petitioner argued that she is married sister of the boy residing in her matrimonial home. She has been nominated as Karamjit Singh is her brother. There are no specific allegations against her. She is ready to join the investigation as and when required. Therefore, her anticipatory bail may be allowed.

4. Bail application is opposed by learned counsel representing State. Detailed status report has been filed confirming the allegations detailed in the FIR. In the status report, role of present petitioner is mentioned by alleging that she facilitated the marriage and participated in the event. It is pointed out that statement of the minor girl has been recorded where she stated that this marriage was performed without her consent and under coercion. Considering the gravity of offence, anticipatory bail filed by petitioner may be declined.

5. I have considered the arguments and have gone through the record carefully. Admittedly, present petitioner is sister of the boy whose marriage was performed with the minor girl. Petitioner is a married lady resident of village Naraingarh, District Hoshiarpur whereas parental house of the petitioner is stated in village Kamarai Bholath, District Kapurthala.

No recovery is to be effected from her. She is ready to join the investigation as and when required, therefore, considering the aforesaid factual position, anticipatory bail filed by petitioner is allowed. She be not arrested. In case of her arrest, she be released on bail to the satisfaction of Arresting/Investigating Officer concerned, subject to condition that petitioner will join investigation as and when required. She will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 482 (2) of BNSS, 2023.

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

(AMARJOT BHATTI)
JUDGE

30.01.2025

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Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No