



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

222

**CRM-M-25228-2026
Date of Decision: 29.05.2026**

SHASHI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS')/438 Cr.P.C., is for grant of anticipatory bail to the petitioner, in case FIR No.17 dated 15.01.2026, under Section 6 of POCSO Act and Sections 9, 10, 11 of Child Marriage Prohibition Act, 2006, registered at Police Station Kunjpura, District Karnal.

2. Vide order dated 22.05.2026 the petitioner was directed to join the investigation. The said order is reproduced hereinafter:-

“On 05.5.2026, following order was passed by this Court:-

“x x x x

Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in the present case. It is submitted that the marriage between the daughter of the petitioner and one Anil Kumar was solemnized on 13.12.2024, that too at the instance proposal of the husband of the petitioner/father of the prosecutrix. There is no material on record to establish that consent of the petitioner was obtained at the time of marriage of the prosecutrix, who in her statement recorded under Section 164 Cr.P.C., has categorically stated that the marriage was solemnized of her own volition and without any coercion from any quarter. It is further submitted that even the FIR in the instant case was lodged after a considerable and unexplained delay. Moreover, one other similarly placed co-accused has been granted interim



protection vide order dated 24.04.2026 passed by this Court in CRM-M-22916-2026.

Notice of motion.

At the asking of the Court, Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of respondent-State and prays for time to file response. Adjourned to 22.05.2026.

Meanwhile, no coercive steps shall be taken against the petitioner”

Learned counsel for the petitioners submits that the petitioner is the mother of the prosecutrix, and that the prosecutrix in her statement recorded under Section 183 of BNSS has neither supported the case of the prosecution against the main accused, nor levelled any allegation against the present petitioner. The relevant portion of the said statement are as under:-

“I have known Anil for a long time. I wanted to live with him, so I pressured him that you marry me. He tried to refuse me a lot saying that my age is less, but I did not agree. Then he married me, but left me at my home. Then I told him that I would stay with you. My father is a drunkard. Due to my insistence, he took me to his house. After that, I became pregnant. He even tried to dissuade me from having a child, but I did not agree. Then one day I had a miscarriage. There is no fault of Anil in this. No action be taken against him.”

It is thus submitted that the petitioners are ready and willing to join investigation and cooperate.

Per contra, learned State counsel opposes the present petition.

Heard the rival submissions made by the learned counsel for the parties.

One of the main pillars of jurisprudence on which the criminal justice system is based, is the presumption of innocence until proven guilty. If seen in that context, the provision of anticipatory bail, in its essence, can be understood as a safeguard to prevent the curtailment of liberty of an individual, a cherished constitutional guarantee, in circumstances where arrest may be unwarranted, arbitrary, or mala fide. This discretionary power, trite to say, must be exercised judiciously, based on considerations, which include but are not limited to, the nature and gravity of the allegations, the antecedents of the accused, the possibility of the fleeing from justice, and the likelihood of the evidence being tampered with and witnesses being influenced.

Reverting to the case in hand, the petitioner is the mother of the prosecutrix. In her statement recorded under Section 183 of BNSS, the prosecutrix has not levelled any allegation against the petitioner. All contentions made qua the involvement of the petitioner are disputed questions of facts, veracity of which shall be determined during the course of trial.

Learned State counsel prays for time to file reply.

Adjourned to 27.5.2026.

In the meantime, the petitioner is directed to join investigation before the Investigating Agency/Officer. She shall abide by the following conditions as envisaged under Section 482(2) BNSS, 2023:-

- (1) That the petitioner shall make themselves available for interrogation by a police officer as and when required to do so.*
- (2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the*



facts to the case so as to dissuade him from disclosing such facts to Court or to any police officer.

(3) That the petitioner shall not leave India without prior permission of the Court.

Needless to mention that the investigating agency/officer shall continue with the investigation of the case in usual manner.

A photocopy of this order be placed on the file of another connected case.”

3. Status report by way of affidavit of Satish Kumar, HPS, Deputy Superintendent of Police, Indri, Karnal has been filed by the State, which is taken on record. A copy thereof has been furnished to the learned counsel for the petitioner.

4. Learned State counsel on instructions from ASI Sudarshan, submits that in compliance of order dated 22.05.2026, the petitioner has joined the investigation and is not required for any further investigation.

5. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 22.05.2026 passed by this Court, is hereby made absolute, subject to the condition enumerated under Section 482(2) BNSS.

6. This order should not be treated as "blanket" order. It will not be read as granting the petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved with the investigating agency/complainant to move to this Court for a direction under Section 483(3) of BNSS, 2023 (erstwhile Section 439(2) of Cr.P.C.), in the event of violation of any term, stipulated under Section 482(2) BNSS, or upon showing any other sufficient cause.



8. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

May 29, 2026
Ritika

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