

2025:PHHC:047800



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

Sr. No.206

**CRM-M-23857-2024 (O&M)
Date of decision : 7.4.2025**

Jagir Kaur

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Gaganpreet Kaur, Advocate for
Mr. Kuldip Singh, Advocate, for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

1. Prayer in the present petition filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner, in case FIR No.195 dated 02.11.2023, under Sections 363, 366, 366-A & 120-B IPC, registered at Police Station Sadar Ferozepur, District Ferozepur.

2. Vide order dated 10.07.2024, the petitioner was directed to join the investigation, which is reproduced below:-

On the last date of hearing i.e. 13.05.2024, the following order was passed by this Court :-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.195 dated 02.11.2023 (Annexure P-1) under Sections 363, 366, 366-A and 120-B IPC, registered at Police Station Sadar Ferozepur, District Ferozepur.

Learned counsel for the petitioner inter alia submits that the petitioner is mother of the accused; and the real maternal aunt/Bua of the alleged victim. It is submitted that the allegations made in the FIR to the effect that the son of the petitioner wanted to marry the victim are absolutely false

2025:PHHC:047600



and fabricated. The victim is only 15 years of age, and the real facts are that the parents of the victim wanted to forcibly fix her marriage with someone. It is stated that as such, the victim had approached the petitioner for protection; and then the petitioner and the victim had filed the protection petition before this Court bearing CRWP-11132-2023, titled as 'Jagir Kaur and another vs. State of Punjab and others', whereby, vide order dated 17.11.2023 (Annexure P-4) passed by coordinate Bench of this Court, the petitioner and the victim were granted protection as per law.

It is submitted that the victim had also made a representation dated 03.11.2023 (Annexure P-2) to the Senior Superintendent of Police, Ferozepur, stating therein that her life be saved from her parents as her parents want to forcibly marry her with someone else whereas she wanted to study further. Learned counsel contends that in pursuance to the protection petition filed by the petitioner and the victim, the present FIR came to be registered, in which three persons were named as accused; the same being the present petitioner, son of the petitioner and the husband of the petitioner. The husband of the petitioner has already been arrested on 17.01.2024; whereas the petitioner and her son are ready and willing to join the investigation and cooperate with the Investigating Agency in any manner as per law.

Notice of motion.

On asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of respondent-State and opposes the prayer made on behalf of petitioner and submits that the girl is yet to be recovered.

At this stage, learned counsel for the petitioner submits that the girl is with the petitioner and the petitioner is willing to produce the girl before the Investigating Agency.

Learned State counsel seeks time to file detailed reply in the matter.

Adjourned to 10.07.2024.

2025:PHHC:047600



In the meantime, it is directed that the petitioner shall produce the victim-girl before the SHO/Investigating Officer. The victim-girl shall also be produced before the concerned Illaqa Magistrate for recording of her statement under Section 164 Cr.P.C. Subject to compliance of the abovesaid on or before 20.05.2024, no coercive action shall be taken against the petitioner.

Meanwhile, State counsel is directed to file an affidavit as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

Pursuant to the said order, learned counsel for the State has filed the Status Report dated 10.07.2024 by way of affidavit of Sukhwinder Singh, PPS, Deputy Superintendent of Police (City), Ferozepur, which is taken on record. Copy thereof supplied to the counsel opposite. Learned counsel for the State refers to the averments made in para 5 of the said status report and submit that in compliance of the last order, statement of the victim under Section 164 Cr.P.C. has been recorded on 21.5.2024, wherein she has stated as follows :-

“My name is Anmolpreet. My parents want to marry me forcibly with the son of my aunt (Massi). I want to study further, due to which I left my house and went to the house of my aunt (Bhua). My aunt and her husband had great love and affection with me and they want to provide me further study. I want to reside with them to continue my study further. I had brother sister relation with Jagsir. I leave my parental house with my own sweet will. Nobody has forced me for the same.”

It is further stated in para 7 of the said status report that the victim has now been handed over to Gandhi Vanita Ashram, Jalandhar on 23.5.2024 and at present she is at the said Ashram at Jalandhar.

Learned counsel for the petitioner prays for grant of interim relief to the petitioner and undertakes that the petitioner

2025:PHHC:047600



will join the investigation and co-operate with the Investigating Agency.

Adjourned to 27.11.2024.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;*
- ii) that the petitioner 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/her from disclosing such facts to the Court or to any police officer ;*
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

3. On 27.11.2024, the petitioner was again directed to rejoin investigation, which reads as under:-

Vide last order dated 10.07.2024, the petitioner was directed to join the investigation.

On instructions from ASI-Rajwant Kaur, learned counsel for the State has informed that although, the petitioner had joined the investigation on 16.09.2024, however, is not cooperating as, she is not disclosing the name of her co-accused son, who alleged to have enticed away the daughter of the complainant. It is stated that petitioner is the paternal aunt/Bua of the prosecutrix.

Learned counsel for the petitioner prays for grant of one more opportunity to the petitioner to join investigation.

2025:PHHC:047800



In view of the above, the petitioner is directed to rejoin the investigation before the investigating officer in the concerned Police Station and render her full cooperation in the investigation, failing which the interim order dated 10.07.2024 shall be deemed to be ipso facto vacated, without any further reference being made to this Court.

Adjourned to 07.04.2025.

Interim order to continue, till the next date of hearing, subject to compliance as above.'

4. Learned State counsel on instructions from ASI-Kulwant Singh submits that in compliance of order dated 10.07.2024 & 27.11.2024, 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 10.07.2024 & 27.11.2024 passed by this Court, is hereby made absolute.
6. This order should not be treated as "blanket" order. It will not be read 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. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner(s).
8. The accused-petitioner(s) 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 or her from disclosing such facts to the Court or to any police officer.

2025:PHHC:047600



9. The accused-petitioner(s) shall not leave India without prior permission of the Court.
10. The accused-petitioner(s) shall join the investigation as and when called by the police.
11. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS, 2023 (erstwhile Section 439(2) of Cr.P.C.) to arrest the accused-petitioner(s), in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

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

(KIRTI SINGH)
JUDGE

7.4.2025

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No