

Ramesh Kumar Vs. State of Punjab.

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Arshdeep S. Kler, DAG, Punjab.

Petitioner seeks regular bail in FIR No.29 dated 15.05.2015 under Sections 363, 365, 366A IPC, Police Station Qila Lal Singh, Tehsil Batala, District Gurdaspur.

Kuldeep Singh, uncle of the prosecutrix lodged the FIR on the ground that his niece went to attend classes of drawing teacher at Harmilap Degree College, Batala in routine manner on 11.05.2015. She did not return thereafter. FIR was registered on pointed suspicion that the petitioner has enticed away the girl with an intention to marry her. Earlier, a complaint was made to SSP, Batala without ensuring that the petitioner has in fact enticed away the girl or not. At the time of lodging of FIR, complainant says that now he is satisfied that his niece has been enticed away by the petitioner.

The girl was recovered. Her statement under Section 164 Cr.P.C. was recorded in which she has deposed that the petitioner has not abducted her, nor did any wrong act with her. On asking, she even refused to accompany her uncle and accordingly, she was sent to Nari Niketan at Jalandhar. The prosecution has relied upon her date of birth i.e. 26.11.1999 to hold that she being minor, her consent is of no consequence.

According to learned counsel for the petitioner, factum

of abduction or forcibly enticing her away has to be proved. It is only the girl/prosecutrix who can depose that her association with the accused was on account of some forcible abduction or enticing her away. Once the girl has denied the factum of her abduction or doing of any wrongful act with her, the offences alleged against the petitioner are prima facie not attracted. No medical of the girl has been conducted. Petitioner is in custody since 16.05.2015. Challan has already been presented.

In view of aforesaid, without embarking upon merits of the case, petitioner is ordered to be released on bail on furnishing requisite bonds/surety bonds to the satisfaction of CJM, Gurdaspur.

Nothing expressed hereinabove would be construed to be an expression of opinion on the merits of the case.

(RAJ MOHAN SINGH)
JUDGE

July 16, 2015
SwarnjitS