

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

CRM-M-32886-2015

Date of decision: October 05, 2015

Chander Bhan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ram Bilas Gupta, Advocate for the petitioner.
Mr. Gaurav Dhir, DAG, Haryana.

Rajan Gupta, J.(oral)

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 363, 366-A read with Section 34 IPC and subsequently added sections 368, 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 at Police Station City Ballabgarh, District Faridabad, vide FIR No.190 dated 9.3.2015.

Learned counsel for the petitioner has vehemently argued that petitioner is not involved in any manner. Co-accused have been granted concession of bail. Thus, petitioner be granted the same concession.

Prayer has been opposed by the State counsel. He (on instructions from ASI Rajender Singh, who is present in court) submits that petitioner was involved in the whole crime. He took Rs.1.5 lacs and certain gold ornaments from the prosecutrix on the pretext that he would

arrange her marriage with Karan Singh by preparing forged documents. Thus, he does not deserve to be granted discretionary relief of anticipatory bail.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged by brother of the prosecutrix. He alleged that his younger sister Renu aged about 15½ years, who is studying in 10th class in a school at Ballabgarh, was enticed by one Karan son of Prem Singh. Thereafter, he took his sister alongwith him. While leaving the house, his sister took about 35 *Tolas* of gold jewelry and Rs.20,000/- cash from the house.

Pursuant to FIR, investigation ensued. Investigating agency found complicity of the petitioner. He allegedly took Rs.1.5 lacs and some gold ornaments from the prosecutrix to prepare certain forged and false documents to show that her date of birth was 10.1.1997 and not 10.10.1999. On 12.3.2015 he arranged the marriage of prosecutrix with Karan Singh in Arya Samaj Vaidik Mandal, Delhi knowing well that she was a minor. According to investigating agency, recovery of gold ornaments and the money has to be effected from the petitioner. Under the circumstances, no case for grant of pre-arrest bail is made out.

Dismissed.

(RAJAN GUPTA)
JUDGE

October 05, 2015
'Rajpal'