

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

Crl. Misc. No.M-20186 of 2016

Date of decision : 27.07.2016

Gaurav Sharma

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

ANITA CHAUDHRY, J.

The petitioner is seeking anticipatory bail in FIR No.88 dated 27.06.2015, registered under Sections 363, 366A, 376 IPC and Sections 3 & 4 of POCSO Act, Police Station Urban Estate, Patiala, District Patiala.

Counsel for the petitioner contends that the incident is said to have taken place on 25.06.2015 and the FIR was lodged two days later and a statement under Section 164 Cr.P.C. (Annexure P-4) was given by the victim, according to which the girl had gone on her own after having a dispute with her family and challan has been presented. Counsel says that initially the petitioner remained in custody and was granted the benefit of Section 167(2) Cr.P.C. but thereafter, Section 376 IPC and Provisions of POCSO Act were added and police wants to arrest him.

The State counsel submits that the girl had made another statement before the Magistrate where she had levelled allegations under Section 376 IPC and the girl is less than 18 years and the consent would not matter.

A minor girl was missing from the house for two days. The girl on recovery initially supported the petitioner but thereafter, made allegations that she had been ravished. The girl is a minor. No case for anticipatory bail is made out.

The petition is dismissed.

27.07.2016
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No