

**In the High Court of Punjab and Haryana at Chandigarh**

**1. Crl. Misc. No. M-34740 of 2016**  
**Date of Decision: 18.10.2016**

Ajay Kumar .....Petitioner

Versus

State of Haryana ....Respondent

**2. Crl. Misc. No. M-36928 of 2016**

Lovedeep .....Petitioner

Versus

State of Haryana ....Respondent

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

Present: Mr. O.P.Kamboj, Advocate  
(in CRM-M-34740-2016)  
Mr. Ankur Lal, Advocate  
(in CRM-M-36928-2016)  
for the petitioners.

Mr. Apoorv Garg, DAG, Haryana.

Mr. Rahul Deswal, Advocate  
for the complainant.

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**ANITA CHAUDHRY, J (ORAL)**

Two separate petitions have been filed by Ajay Kumar and Lovedeep seeking anticipatory bail in FIR No. 246 dated 11.7.2016 registered under Section 363, 366-A, 120-B IPC and later on Section 376 IPC had been added.

The MLR and the reply filed by the State have been taken on record.

The submission on behalf of petitioner Ajay Kumar is that there are different versions and the prosecutrix had made two different statements

at different point of time and she was under the influence of her parents and

changed her statement. It was urged that a complaint (Annexure P-2) was given to the SHO (available in CRM-M- 34740-2016) wherein the complainant had given a different fact to the police on 10.7.2016 and on the next day, he had got the FIR lodged giving different names.

Counsel representing petitioner Lovedeep had urged that the victim was roaming around and had borrowed a phone from a shopkeeper and had called Ajay and later she was taken away and she was found by the police in the house of the complainant and the police took her for her medical and in her statement recorded under Section 164 Cr.P.C., she had stated that she had gone on her own and she did not want to stay with her parents and she was beaten up by them and subsequently under the influence of her parents, she had changed her version before the Magistrate. It was also urged that there was a dispute with respect to the elections and false case had been registered naming Ajay.

The complainant and the State counsel have opposed the petitions. There were also reference to the MLR. It was urged that the statement given before the Magistrate was of 13.7.2016 and after that statement, the girl was taken for her medical and the history given to the doctors is completely different and both the petitioners were named and they were accused of kidnapping her on 6.7.2016 and she was taken to various places for eight days. It was urged that the girl had made another statement before the Magistrate and she named both the petitioners. It was urged that the girl was less than 16 years of age.

The victim is under 16 years of age. She was missing from the house for almost two weeks. The FSL report has not been received yet. In

the statement made under Section 164 Cr.P.C., the victim did not name the

accused but had made a statement against her parents. She had also stated that she had come to know of the FIR and her father had named Ajay since there was a dispute regarding the panchayat elections and she was fed up with her mother and she had been locked up in the house and she was beaten up in the presence of the strangers and she feared threat to her life.

The victim was taken for her medical examination on the same night and the history which was given to the doctors was completely different. The victim had again appeared before the Magistrate for her statement under Section 164 Cr.P.C. and she had explained the reasons why she had made the first statement. She had also named the petitioners.

In the light of the above, no case for anticipatory bail is made out.

Both the petitions are dismissed.

**(ANITA CHAUDHRY)**  
**JUDGE**

**October 18, 2016**  
Gurpreet

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