

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-33702-2017

Date of decision : 30.01.2018

Amardeep Singh @ Gori

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. B.S. Jattana, Advocate
for the petitioner(s).

ANITA CHAUDHRY, J.

This is the second anticipatory bail application moved by the petitioner in FIR No.34 dated 25.04.2016, registered under Sections 366, 376, 342, 506 and 34 of IPC at Police Sadar Bathinda, District Bathinda.

The counsel was asked to address on the maintainability of the petition.

The counsel for the petitioner refers to '*State of Maharashtra Vs. Capt. Buddikota Subba Rao, 1989(2) R.C.R. (Criminal) 612*', '*Sri Sudip Sen Vs. The State of West Bengal, 2010, CriLJ 4628*', '*Ganesh Raj Vs. State of Rajasthan & others, 2005(3) R.C.R. (Criminal) 30*', '*Muhammed Ziyad Vs. State of Kerala and another, 2015(4) KLT 106*' and '*Yogesh Gupta Vs. State NCT of Delhi, 2015(4) JCC 2685*' and urges that a subsequent application would be justified when there is a change in the circumstances and the petitioner had filed a divorce petition and the girl has come out of the clutches of her parents and has given an affidavit in his

favour.

Earlier, bail application filed by the petitioner in 2016 had been rejected, He is avoiding and concealing himself. He is a married man with children. The complainant is unmarried. The victim had made a statement on the basis of which the FIR was registered.

It would be necessary to reproduce the submission made and the operative part of the order of 10.08.2016. It reads as under:-

'Counsel for the petitioner contends that prosecutrix is major and she had stayed with the petitioner for about two months and it was a relationship which was consensual and later on under the threat the girl has made a statement against the petitioner. Counsel urges that the girl had appeared before the Magistrate and had made allegations against her father. He refers to Annexure P-1.

The complainant side has appeared and has urged that the girl was a student and was immature and came under the influence of the petitioner who was a married man and the petitioner enticed her when she got down from the bus and she was kept concealed for two months and she had also made a statement before the Magistrate. It was urged that the girl had attempted to commit suicide and had consumed poison. He has placed on record the OPD Card. Counsel urges that the wife of the petitioner had lodged a report that her husband had run away with an unmarried girl.

The allegations are serious, no case for anticipatory bail is made out.

Petition is dismissed.'

The above order was passed on 10.08.2016. The petitioner, after the dismissal of the bail application, has not surrendered though almost a period of fifteen months have elapsed. He has again chosen to file a second petition on the plea that the complainant has furnished an affidavit

after she came out of the clutches of her father. The counsel refers to the affidavit annexed as Annexure P-2.

The bail application of the petitioner has been dismissed on merits. There is no change in the circumstances. The authenticity of the affidavit is not to be ascertained here. The petitioner is a married man and he now states that he is seeking divorce from his wife. The FIR had been lodged on the statement of the victim-complainant. She had made allegations that she had been kept by the petitioner for two months. There is no change in the fact situation.

No case for anticipatory bail is made out. The petitioner would surrender before the Illaqa/Duty Magistrate within a period of one week from today.

The Petition is dismissed.

January 30, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No