

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

**CRM M-1663 of 2019
Date of Decision: August 27, 2019**

Manjit Kaur @ DaizyPetitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. J.S. Jaidka, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off 1st regular bail application under Section 439 Cr.P.C. moved in FIR No. 37 dated 20.06.2018 under Sections 363, 366-A, 376 and 120-B IPC and Section 8 of POSCO Act 2012 at Police Station Tabbi, District Ludhiana.

The precise allegations against the petitioner are that complainant Ajay Kumar made a complaint to the police alleging that his daughter, who is a student of +1 class and is aged around 18 years is alleged to have been duped by the petitioner, who are known to the family of the victim telling her to undergo marriage with one Rinku, who works at the tent house of the petitioner. When the family did not agree, on 18.06.2018 at evening time, the accused is alleged to have conspired in elopement of daughter of the complainant with Rinku leading to the registration of the present case and arrest of the petitioner.

Mr. J.S. Jaidka, learned counsel for the petitioner, *inter alia*, contends that it is own stand of the complainant that his daughter was major 18 years of age and has sought to decry the applicability of provisions of the Prevention of Children from Sexual Offences Act 2012 arguing that there is nothing concrete to establish the role of

the petitioner in the commission of the crime and rather it was a major girl who on her own entered into a relationship and flee away from the home and, thus, prayed for grant of bail.

Mr. Harbir Sandhu, AAG, Punjab, learned State counsel has sought to oppose the bail on the ground that it was the petitioner, who was the axis, on which, the entire crime has revolved and if allowed bail, there is every likelihood that the trial would be stifled. Learned State counsel further submits that the girl at the time of the occurrence as per the Aadhar card was only 16 years of age.

It is submitted that it was at the behest of the petitioner the girl had gone to meet Rinku where she was defiled and this act of the petitioner disentitles her to any relief.

In the light of the arguments of the two sides, the

very age of the victim as per the Aadhaar Card appears to be around 16 years of age and, thus, a minor. In her statement made under Section 164 Cr.P.C., the victim has specifically intimated the petitioner for having actively participated in this crime. The mere fact that the petitioner is behind the bars for more than one year is not an extenuating circumstance in the light of the offence, for which, the petitioner has been hauled up and the apprehension of the State is well founded.

No case is made out for bail.

Dismissed.

August 27, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No