

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-12903 of 2019
Date of Decision: 10.05.2019

Ram Dass

...Petitioner(s)

Versus

The State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sarvesh Kumar Gupta, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. Amit Gupta, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.304 dated 03.11.2018 under Sections 363, 366-A IPC registered at Police Station Mahesh Nagar, District Ambala.

The aforesaid FIR was registered at the behest of Virender, who is father of the victim. As per the FIR, the daughter of the complainant namely Ravina, aged about 14 years, was enticed away by the petitioner, who is resident of Police Station Bara, District Allahabad.

Learned counsel for the petitioner has argued that the petitioner has solemnised marriage with Ravina on 28.11.2018. As per the Aadhar Card, the date of birth of Ravina is 10.10.1998. She is illiterate and had never been to the school. He has further submitted that since the victim is staying with the petitioner, a petition seeking quashing of the FIR, has also been filed by the petitioner, but the prosecution intends to rely upon the school leaving certificate of Ravina. However, in the school certificate, name of Ravina has wrongly been mentioned. The victim has as many as eight sisters and two brothers. The date of birth, as shown in the school leaving certificate, is of her younger sister and not of Ravina.

Learned State counsel as well as counsel for the complainant have argued that in the aforesaid FIR, during investigation it has been found that the date of birth of the victim is 06.02.2005, which is based on Aadhar Card.

Learned counsel for the complainant has produced the original as well as photocopy of the school leaving certificate issued in the name of Ravina by the Principal, Government Girls Senior Secondary School, Babyal, Ambala, wherein the date of birth of Ravina has been shown as 06.02.2005. He has also produced a photocopy of the Aadhar Card issued in the name of Ravina, wherein the date of birth of Ravina is shown as 06.02.2005.

Having heard learned counsel for the parties and considering the fact that in the school leaving certificate as well as the Aadhar Card, so produced by the complainant, the date of birth of Ravina is shown as 06.02.2005, this Court finds that the prayer of the petitioner for grant of

anticipatory bail cannot be accepted, as during the investigation, the police is required to verify, as to from where the Aadhar Card attached with the petition has been obtained by the petitioner.

Accordingly, the present petition is dismissed.

May 10, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No