

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

**CRM-M-15038 of 2020 (O&M)
Date of Decision:22.09.2020**

Gurpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Harshit Jain, Advocate for the petitioner.

Mr. A.S. Sandhu, Addl. A.G. Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 439 Cr.P.C. Seeking regular bail to the petitioner in FIR No.261 dated 24.10.2019 under Sections 363, 366-A IPC (Sections 420, 465, 467, 468, 471 and 120-B IPC added later on), registered at Police Station Patran, District Patiala.

Counsel has submitted that initially FIR had been registered for offences under Sections 363 and 366-A IPC on the allegations that the petitioner had enticed away daughter of the complainant. Subsequently, offences under Section 420, 465, 467, 468, 471 and 120-B IPC have been added on the allegations that certain documents in the nature of Aadhar Card reflecting wrong date of birth of the daughter of the complainant have been prepared.

Counsel argued that the petitioner has been in custody since 12.02.2020 and investigation having concluded even the challan has been presented.

Further contended that daughter of the complainant had accompanied in the petition of her own will and desire and under such circumstances the offences under Sections 363 and 366-A IPC are not made out.

Further submits that the trial is at the initial stage and would take time to conclude.

Having heard counsel for the parties at length, this Court is of the considered view that the concession of bail ought not to be granted to the petitioner at this stage.

What has weighted by with this Court, is the conduct of the petitioner.

It stands conceded that the present petitioner alongwith daughter of the complainant had filed CRWP No.2039 of 2019 before this court seeking a writ of mandamus for directing the official respondents to protect their lives and liberty. Copy of the petition stands appended as Annexure P-4 alongwith the instant bail petition.

Para 9 of the protection petition was coined in the following terms:-

“That both the petitioners are major. The date of birth of the petitioner No.1 is 20.08.2000 and she is more than 20 years of age and the date of birth of the petitioner No.2 is 18.06.1999 and he is about 21 years of age.”

Such averments were supported by an affidavit of the petitioner himself. Learned State counsel has forwarded through email the relevant documents pertaining to the school record of the daughter of the complainant and a perusal of the same would clearly reveal that she was a minor at the relevant point of time.

Clearly, wrong and misleading averments were made in the protection petition and an attempt was made by the petitioner herein as well to mislead and hoodwink this Court.

This Court is constrained to decline benefit of bail at this stage in view of the conduct of the petitioner and as noticed hereinabove.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

September 22, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No