

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

106)

CRM-M-15169 of 2020

Date of Decision: 15.06.2020

Amandeep Kumar @ Ladda

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present:- Mr. Inder Pal Singh, Advocate, for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

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**Amol Rattan Singh, J. (Oral)**

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of anticipatory bail upon FIR no.87, dated 09.04.2020, having been registered at Police Station Division B, Police Commissionerate, Amritsar, District Amritsar, against him, alleging therein the commission of offences punishable under Sections 363, 366-A and 188 of the IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

Learned counsel for the petitioner submits that the alleged victim who is, as per his instructions, 17½ years old, went of her own will with the petitioner, and in her first statement before the Magistrate, stated that the petitioner did not assault her at all in any manner.

He submits that thereafter, with her father being in the police, after she was returned to his custody she was obviously tutored to give a different statement before the Magistrate.

Learned State Counsel submits that even as per the medical

examination conducted upon the alleged victim on 17.04.2020, within one week of her having being kidnapped/having gone with the petitioner, the medicate certificate shows history of regular sexual intercourse, with the victim being 16½ years old, and therefore her consent would have no meaning especially with the petitioner being 34 years of age.

In rebuttal, learned counsel for the petitioner submits that the alleged victim is 17 ½ years old and not 16 ½ years old, which learned State counsel refutes by showing her date of birth to be 22.01.2004, as is stated to have been verified from her school, thereby making her only slightly over 16 years old at the time that she went with/was kidnapped by, the petitioner.

Looking at the age of the victim, as also of the petitioner, without making any further comment on the merits of the case, I do not see any ground on which the petitioner can be admitted to anticipatory bail, in the aforesaid circumstances.

Consequently, finding no merit in the petition, it is dismissed.

15.06.2020  
Vcgarg/dinesh

(AMOL RATTAN SINGH)  
JUDGE

**Whether reasoned/speaking: Yes**  
**Whether reportable: Yes**