

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

CRM-M-55504 of 2019.

Decided on:- January 16, 2020.

Balwant Singh alias Gama.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Yogesh Kumar Aneja, Advocate
for the petitioner.

Mr. Ruchika Sabharwal, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The petitioner has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.224 dated 19.09.2019 under Sections 363 and 366-A IPC registered at Police Station Sadar Fazilka, District Fazilka.

The aforesaid FIR was registered at the behest of father of the prosecutrix. As per the FIR, the complainant was working as Seeri with Vijay Kumar son of Ram Chand for the last 5-6 months. Vijay Kumar had hired the land of Mohinder Partap Dhingra. In this manner, the petitioner was residing with his family and his daughter at the Dhani situated at village Mohammad Peera. Near the Dhani, Om Singh son of Hakam Singh was residing, where they were rearing pigs and had employed Balwant Singh alias Gama (petitioner herein) and Ram Singh alias Rama to take care of the pigs. The petitioner was married, but he had thrown his wife out and he was keeping a bad eye upon the daughter of the complainant.

The complainant had noticed his minor daughter (prosecutrix) while talking with the petitioner once or twice. On 16.09.2019, after dinner, the complainant went to sleep. However, at about 04.00 A.M. in the morning, when the complainant got up, he found that his minor daughter was missing, and therefore, the entire family started searching her out. Thereafter, they went to the Dhani of the petitioner, but he was found missing. Then they visited the native village of the petitioner, but he was not found there. Accordingly, on the basis of suspicion, the present FIR was got registered against the petitioner.

Learned counsel for the petitioner has argued that during investigation, the prosecutrix had stated before the police that she got acquainted with the petitioner, but her father was suspecting her and started scolding her due to which she felt harassed and asked the petitioner to take her away. She also stated that she went to the house of the petitioner on the morning of 16.09.2019. She did not say anything incriminating against the petitioner and his family. Therefore, on the basis of statement of the prosecutrix, no offence is made out against the petitioner.

Learned State counsel has argued that the petitioner is a married man and he enticed away the minor daughter of the complainant who was about 15 years of age. Therefore, the petitioner does not deserve the concession of anticipatory bail.

I have heard learned counsel for the parties.

As per the allegations levelled against the petitioner, he is a married man, whereas the victim in the case is a minor girl of about 15 years of age. Therefore, the argument of learned counsel for the petitioner that the

prosecutrix had gone with the petitioner at her own is of no relevance, as she was about 15 years of age. The petitioner, despite being married, had enticed away the minor daughter of the complainant, whose date of birth was found as 26.08.2004. This Court finds that she was removed from the custody of her parents, which attracts the offence as mentioned in the FIR. Therefore, no ground is made out to grant anticipatory bail to the petitioner.

Accordingly, the present petition, being devoid of any merit, is dismissed.

It is made clear that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case. The trial Court shall not be influenced with the observations made hereinabove in any manner.

January 16, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No