103 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**
(through video conferencing)

CRM-M-36984-2019
Decided on : 08.09.2021

Rahul @ Rahul Kumar ..... Petitioner

Versus

State of Punjab ..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kulwant Singh, Advocate
for the petitioner.

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Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.55 dated 15.03.2021 under Sections 363, 366-A IPC registered at Police Station Model Town District Ludhiana.

Learned counsel for the petitioner *inter alia* contends that a false case has been registered against the petitioner on the allegations that he enticed away the victim, aged about 17 years, on the pretext of marriage while her parents were not at home. He submits that in fact the victim and the petitioner had been in a relationship for a long time, however, the complainant i.e. mother of the victim was averse of their relationship and wanted to forcibly solemnize the marriage of victim with some other person. It has further been submitted that the victim was subjected to brutal physical assault as a result of which she of her own accord accompanied the petitioner. It has also been contended that soon thereafter they performed married and both of them approached this Court by way of CRWP No.6689 of 2021 (Annexure P-2) seeking protection of their life and liberty at the

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hands of private respondents i.e. respondents No.4 to 7. Learned counsel submits that in the facts and circumstances of the case, no offence much less under Section 363 and 366-A IPC is made out against the petitioner and hence, a prayer has been made to grant the concession of bail to the petitioner.

Heard and perused the material available on record.

A perusal of the FIR in question registered on 15.03.2021 reveals that soon after the victim went missing, her mother i.e. complainant reported the matter to the police. In the FIR in question, she categorically alleged that the petitioner had enticed away her minor daughter i.e. victim on the pretext of marriage. It needs to be noticed that on the date of occurrence, the victim was a minor. The contention of the learned counsel for the petitioner that they had approached this Court by way of aforementioned CRWP would not come to his rescue as said writ petition was filed much after the registration of the FIR in question wherein he had been specifically nominated as an accused. Still further, the submissions made by learned counsel that it was a consensual relationship between the petitioner and the victim, would not come to the rescue of the petitioner as admittedly the victim was a minor on the date of alleged occurrence and her consent, if any, would be of no consequence.

In view of above, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No

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