

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

CRM-M-39136-2021

Date of Decision: 23.09.2021

Parveen Kumar

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Harmanjit Singh Thiara, Advocate
for the petitioner.

Ms. Samina Dhir, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 439 Cr.P.C. is filed seeking regular bail to the petitioner in FIR No.13 dated 13.02.2020 under Sections 363, 366-A IPC (Section 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 added lateron) (for short 'the Act'), registered at Police Station Nurmahal, District Jalandhar.

The FIR was at the instance of Pavittar Singh, father of the prosecutrix (name withheld). As per the FIR, on 08.02.2020, the prosecutrix went to tuition and did not return back. The complainant found

that she was taken away by Parveen Kumar (petitioner) on the pretext of marriage. As per the complainant, the prosecutrix was 14 ½ years old on the said date. The petitioner was arrested on 29.07.2020 and the prosecutrix was recovered from him. In the intervening period, a Criminal Writ Petition was filed in this Court showing prosecutrix as major and seeking protection. The petition was disposed of with the direction to the petitioners to approach the Police authorities by filing a detailed representation. After the detention of the petitioner, the prosecutrix was kept in Nari Niketan as she was afraid of going to her parents. During investigation it revealed that prosecutrix was 02 months' pregnant and the foetus was forcibly aborted by giving medicines.

Learned counsel for the petitioner submits that the petitioner is in custody since 29.07.2020. He had solemnized marriage with the prosecutrix. It is only under the pressure of the parents that the prosecutrix is deposing against the petitioner.

Learned State counsel opposes the prayer for grant of regular bail and on instructions from ASI Sanjeev Kumar, submits that the prosecutrix was of a tender age. She has supported the allegations against the petitioner in a statement made under Section 164 Cr.P.C. Section 376 IPC is invoked as she was found 02 months' pregnant. The allegations are serious. Prosecutrix is yet to be examined.

From the contention of the petitioner, it is forthcoming that he took the prosecutrix, though his stand is that marriage was performed. There was no hesitation by the petitioner to file a petition in the High Court by showing the prosecutrix as major. The medical examination of the

prosecutrix *prima facie* supports the allegations against the petitioner.
Prosecutrix is yet to be examined as to appear before the Court below. For
the allegations against the petitioner, provisions of the Act have been
invoked.

No case for grant of regular bail is made out.

Dismissed.

[AVNEESH JHINGAN]
JUDGE

23rd September, 2021
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |