

201

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

* * *

CRM-M-39594-2020
Date of Decision: 22.01.2021

KASHISH ALIAS KANNU

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sanjeev K. Virk, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. Solomon Partap Singh, Advocate
for the complainant.

* * *

Avneesh Jhingan, J. (Oral)

The matter is taken up for hearing through video conference due to
COVID-19 situation.

This is a petition seeking regular bail in FIR No. 267 dated
01.09.2020 under Sections 363, 366-A IPC, 1860 registered at Police Station City
Kapurthala District Kapurthala.

The FIR was at the instance of Amit Kumar. It was stated that on
01.09.2020, his daughter Diksha aged around 15 years (Date of Birth 13.02.2005)
went out through the back door without telling anybody. Complainant stated that

his daughter was made to elope by Kanny son of Dharampal by cajoling her for

solemnizing marriage.

Learned counsel for the petitioner submits that at the time of the incident, the petitioner was of 20 years of age. The petitioner was having love affair with the girl and it was the girl who forced the petitioner to take her away. In other words, she consented to go with the petitioner, hence, no case is made out under Sections 363 and 366-A of the Indian Penal Code, 1860.

Learned State counsel submits that the victim was 15 years of age. She was taken away from the custody of his parents without their permission. The petitioner was apprehended and on his disclosure, the girl was recovered.

The allegations in the FIR are serious. The victim is minor, her consent would be meaningless. She was taken away to a hotel from where she was recovered on the basis of the statement given by the petitioner. In such circumstances, no case is made out for bail.

The petition is dismissed.

However, it is clarified that observation made hereinabove shall not be construed as an expression of opinion on the merits of the case. It is for the purpose of disposal of the bail only.

(AVNEESH JHINGAN)
JUDGE

22.01.2021
shabha

Whether speaking/reasoned	Yes
Whether reportable	Yes