

**102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-43890-2021

Date of decision : 25.10.2021

Radhe Shyam Kumar

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Deepak Vashishth, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.202 dated 03.07.2021, under Sections 120-B, 363, 366-A, 376 IPC and Section 9 of PCMA Act and Section 4 of POCSO Act, 2006, at Police Station Uklana, District Hisar.

Succinctly, the facts of the case are that the FIR in question is lodged by complainant-Ranbir. It was alleged that he has four children and his elder daughter is 16 years of age, who is studying in 12th Class. On 02.07.2021, she left home without informing anyone and despite being searched, was not traceable. It was suspected that she has been enticed away by one Chinu. The request was made to trace his daughter and legal action be taken against the culprit. The investigation commenced. Apprehending his arrest, the petitioner approached the learned Additional Sessions Judge, Fast Track Special Court, Hisar for grant of anticipatory bail who declined the same vide order dated 29th July, 2021.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present FIR. He submits that the petitioner has committed no offence. He further submits that the victim and Arbin @ Chinu were married and they took protection from the District Court, Jind. The statement of the victim was got recorded in the presence of the legal aid counsel. On 5th July, 2021, the counselling of the victim was got done through Child Welfare Committee, Hisar and her statement was recorded under Section 164 Cr.P.C. on 13th July, 2021. He would submit that the petitioner has no role to play in the abduction of the prosecutrix and thus, he deserves the concession of anticipatory bail.

However, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He submits that it has come during the investigation that the petitioner in the night, enticed the victim, who was minor, and took her to some hotel where the accused Arbin @ Chinu was present and he solemnized the marriage of a minor girl with Arbin @ Chinu and thus, committed the offence under Section 9 of Prohibition of Child Marriage Act. It has been further submitted that call detail reports of accused Arbin @ Chinu and the petitioner show that prior to enticing the victim, they were in constant touch and thus, the complicity of the petitioner in the alleged offence is writ large. He submits that granting of anticipatory bail to the petitioner would definitely hamper the ongoing investigation.

I have heard learned counsel for the parties and perused the record.

The victim in the present case is minor and the offence committed is serious in nature. The allegations against the petitioner are that he enticed away the victim and took her to the main accused where the marriage of the minor girl was performed with the main accused. As the thorough investigation is required in this case to find the truth, the facts and circumstances of the case does not qualify for grant of anticipatory bail to the petitioner.

Petition being devoid of any merits is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

25.10.2021
m.sharma

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No