

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

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**CRM-M-39938-2021 (O&M)
Decided on : 10.01.2022**

Ravi alias Ajay Kumar

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Paras Jhamb, Advocate
for the petitioner(s).

Mr. Rehatbir Singh Mann, DAG, Punjab
assisted by ASI Lakhwinder Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 63, dated 04.05.2020, under Sections 363, 366-A of IPC (added later on Sections 376, 376-D of IPC and Section 6 of the POCSO Act, 2012), registered at Police Station Bahawala, District Fazilka (annexed as Annexure P-1).

Learned counsel for the petitioner contends that false allegations have been levelled against him for having enticed away the victim aged about 15 years. It has been submitted that the petitioner and the victim were in a relationship with each other. However, as the family was averse to their relationship, the FIR in question came to be registered. Learned counsel further contends after leaving her home of her own free will, the victim and the petitioner had solemnized marriage with each other. It has also been submitted that on the date of alleged occurrence, the victim was not a minor and was a major, which fact stood substantiated from her Aadhaar Card. A prayer has, therefore, been made to extend the concession of bail to the petitioner, as he has been in custody since 12.05.2020 and his further incarceration would not serve any useful purpose.

Learned State counsel while opposing the prayer and submissions made by the counsel opposite, submits that the date of birth of the victim was 10.07.2005 as per her school certificate and hence, she was a

minor on the date of alleged occurrence. Learned State counsel submits that in the circumstances, even assuming that the victim was a consenting party, her consent would be of no consequence. He further contends that after her recovery on 12.05.2021 i.e. after almost two weeks of having gone missing, offences under Section 376, 376-D and under Section 6 of the POCSO Act, 2012, had been added. It has also been contended that the FSL report was still awaited. Learned State counsel submits that in case the petitioner is enlarged on bail, he may try to influence the witnesses in his favour.

Heard.

Prima facie, there are serious and specific allegations levelled against the petitioner of firstly enticing away a 15 years old girl on the pretext of marriage and thereafter performing marriage with her. The contention of the learned counsel for the petitioner that the victim was a major and not a minor on the date of alleged occurrence, would be a matter to be adjudicated upon during trial. This Court in the aforementioned facts and circumstances does not deem it fit to extend the concession of bail.

Petition stands dismissed. It is, however, made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merit of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 10, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*