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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51762-2021

Date of Decision: January 10, 2022

Ramanpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Tarun Sharma, Advocate, for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab

.....

RAJESH BHARDWAJ, J.

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.03, dated 12.01.2020, under Sections 363, 366-A IPC (Section 376-D IPC and Section 6, 5(G) of POCSO Act added later on), registered at Police Station Division No.7, District Police Commissionerate, Jalandhar.

As per factual matrix of the case, the present FIR was lodged by the complainant wherein it was alleged that they are three sisters and one brother. Her youngest sister-victim (name concealed) aged about 17 years, was studying in 9th standard. On 09.01.2020 at about 5.00 p.m. she left the house without informing. It was alleged that she had been enticed away by some unknown person on the pretext of marriage. Despite their best efforts,

they were unable to trace her. Hence, the request was made to trace the victim and take legal action against the culprits.

Subsequently, the victim was traced on 17.01.2020. Her statement under Section 161 Cr.P.C. was recorded.

Learned counsel for the petitioner has drawn attention of this Court to the statement of the victim, which has been appended as Annexure P-2 and submits that the victim levelled no allegation against the petitioner. However, the petitioner was declared a proclaimed offender in the FIR vide order dated 09.03.2021. The petitioner has impugned the said order by way of filing of CRM-M-41180-2021 before this Court, Annexure P-10. This Court disposed of the same on 10.11.2021 with liberty to the petitioner to appear before the concerned Court with a direction to the Court concerned to deal with the application if so filed, in accordance with law. In pursuance to the same, the petitioner surrendered before the Additional Sessions Judge-cum-Fast Track Special Court (POCSO), Jalandhar, with an application for bail. Learned Court concerned dismissed the same vide its order dated 15.11.2021. Aggrieved by the same, the petitioner approached this Court.

Counsel for the petitioner submits that petitioner was declared a proclaimed offender vide order dated 09.03.2021. Primarily, his thrust of the argument is that the prosecutrix has not supported the case of the prosecution and hence he deserved to be granted the concession of anticipatory bail.

The petitioner, as evident, was declared a proclaimed offender and he was directed to surrender before the court concerned. In the facts and circumstances where the victim is minor, the petitioner cannot be given the benefit of anticipatory bail. Now the petitioner has surrendered before the

court in pursuance to the order dated 10.11.2021.

In view of the above-mentioned position, the petition being devoid of any merit is hereby dismissed.

January 10, 2022

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(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No