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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision : 05.05.2023

Gagandeep Singh

..... Petitioner

V/S

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Neeraj Yadav, Advocate for the petitioner.

Mr. Mohinder Singh Joshi, Additional A.G. Punjab.

AMARJOT BHATTI J. (ORAL)

The petitioner- Gagandeep Singh has filed the instant petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 115 dated 21.11.2022, under Section 346 of IPC (Sections 363, 366-A of IPC added later on), registered at Police Station Daba, District Ludhiana.

The facts of the case are that the complainant-Balveer Ram gave his statement that he is a married man having four children. The youngest daughter i.e. the victim is 16 years, 02 months old. She was studying in 10th class. On 16.11.2022, at about 8:25 A.M. his daughter left the house along with her friend Nandini and her brother Sachin. All of them went towards the school. In the evening, he kept on waiting for his daughter but she did not return home. On enquiry, he came to know from the Headmaster of the school that the victim did not attend the school. Her friend Nandini further disclosed that his daughter had gone to the market on the pretext of buying book but thereafter, she did not come to the school. The complainant stated that his daughter has been enticed away by some un-know person. The matter was investigated and on 22.12.2022, the victim

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was recovered and her statement was got recorded under Section 164 Cr.P.C. She was also medically examined. As per the birth certificate, the victim was born on 05.09.2006, therefore, she was 16 years, 02 months old.

Learned counsel for the petitioner argued that he is falsely implicated in this case. He was having friendship with the said victim but her parents were against them. They wanted to end their relationship. But her father was trying to arrange her marriage with some other person who was older than her. The victim left the house on her own and joined the company of present petitioner. They started living together. They had also filed CRWP-11391-2022 seeking protection of their life and liberty which was disposed of vide order dated 12.12.2022 (Annexure P-2). Thereafter, the victim was also produced before the Juvenile Committee, where she did not want to accompany her family. His anticipatory bail application was wrongly dismissed without proper appreciation of the facts of the case by passing order dated 21.12.2022 (Annexure P-3). He is ready to join the investigation. No custodial interrogation is required, therefore, his anticipatory bail application may be allowed.

Learned counsel representing the State has opposed the bail application. In the detailed status report it is mentioned that the present petitioner had taken away the victim to his house in Uttar Pradesh, where he developed forcible physical relation with her. The victim was minor, she was allured by the petitioner and was kept away from her family. There are serious allegations against him. Therefore, he is not entitled to the concession of anticipatory bail.

I have considered the arguments and have gone through the record carefully. It is matter of record that the victim left the house on 16.11.2022 and thereafter she was recovered on 22.12.2022. The statement of the victim was

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recorded under Section 164 Cr.P.C., which is placed on record along with the status report. In the said statement, it has come on record that she was taken to Uttar Pradesh in his house. They had gone by train. She further stated that no marriage was performed, however, the petitioner maintained physical relations with her. She further stated that she had accompanied him with her sweet will. She further expressed her desire to stay with her parents. It cannot be ignored that the victim was a minor her consent does not carry any weight. Therefore, there are serious allegations against the petitioner. He is required to join the investigation. Considering the gravity of offence, I do not find a fit case for concession of anticipatory bail and the same is declined.

The petition is accordingly dismissed.

(AMARJOT BHATTI)
JUDGE

05.05.2023.
Sunil Devi

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