

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

**CRM-M No.17326 of 2022
Date of Decision: 18.07.2023**

Bhinder Singh @ Bhupender Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Siddharth Gupta, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Lupil Gupta, Advocate
for the complainant.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant petition, the petitioner has sought the relief of anticipatory/pre-arrest bail in the criminal case arisen out of the FIR bearing No.0038 dated 29.03.2022 registered at Police Station Sangat, District Bathinda, under Sections 363 and 366-A IPC.

2. Bereft of unnecessary details, the allegations, as levelled by the informant-complainant in the subject FIR, are that his elder daughter (here-in-after to be referred as 'P'), who was about 14 years old, was being stalked/chased by the petitioner and therefore, he had left 'P' at the place of her maternal grand-parents. However, on 27.03.2022, 'P' left the house without informing anyone and on inquiring about her whereabouts, he

came to know that the petitioner had enticed her away on the pretext of solemnizing marriage with her.

3. Status-report on behalf of the respondent-State (by way of the affidavit of the Deputy Superintendent of Police (Rural), Bathinda) has already been filed.

4. I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also gone through the file carefully.

5. Learned counsel for the petitioner contends that the petitioner has joined in the investigation in compliance of the order passed by the Co-ordinate Bench on 25.05.2023 while extending the relief of interim bail to him and moreover, in her statements as initially recorded under Section 164 Cr.P.C and subsequently, in pursuance of the order passed by this Court, 'P' has stated that she had accompanied the petitioner voluntarily and out of her free will and in these circumstances, the petitioner deserves the relief, as prayed for in the instant petition.

6. Per contra, learned State counsel argues that though the petitioner did join in the investigation but the fact remains that 'P' was just 14 years old at the time of the commission of the crime and keeping in view the nature of the offence committed in this case, the present petition be dismissed.

7. Undisputedly, 'P' was about 14 years old at the time of the alleged commission of the offence in this case and is, presently, residing at (Children Home/Nari Niketan) Gandhi Vanita Ashram, Jalandhar. Though,

the petitioner did join in the investigation in compliance of the afore-said order as passed by the Co-ordinate Bench on 25.05.2023 but, this fact, in itself, does not entitle him to the relief of pre-arrest bail because the nature of the offence and the age of 'P' would also be the relevant and rather, the crucial factors, for deciding the instant petition.

8. As regards the above-mentioned statements of 'P' as recorded under Section 164 Cr.P.C and in pursuance of the order passed by this Court, even if 'P' has stated therein that she had accompanied the petitioner out of her own sweet will, even then the gravity of the alleged crime does not mitigate, in view of the fact that she was just 14 years old at the relevant time.

9. Keeping in view the afore-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory/pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly.

July 18, 2023
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>