

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

**CRM-M-28722-2023**

**Date of Decision: September 20, 2023**

Johny Singh @ Tejinder Singh

... *Petitioner*

Versus

State of Punjab

... *Respondent*

**CORAM:    HON'BLE MR. JUSTICE VIVEK PURI**

Present:     Mr. Balraj Singh Sidhu, Advocate,  
                      for the petitioner.  
                      Mr. Hittan Nehra, Addl. A.G., Punjab.

**Vivek Puri, J.**

1.                The petitioner is seeking anticipatory bail in the case bearing FIR No. 113, dated 12.06.2022, under Sections 376, 363, 366-A of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, registered at Police Station Talwandi Sabo, District Bathinda.

2.                The case has been registered on the allegations that the victim is aged about 17-1/2 years. She was appearing in the final examinations of 10+2 at Yadwindra College, Talwandi Sabo. On 13.05.2022, her father dropped her on the motorcycle at the gate of the college. The petitioner and co-accused Mony Singh were present at the spot. They had been harassing her at an earlier occasion also and forcibly took the victim on the motorcycle towards Village Kharak Singh Wala.

The other family members of the petitioner performed rituals of the marriage with her and the petitioner forcibly made physical relations against her wish.

3. Learned counsel for the petitioner contends that Manpreet Singh @ Mony, co-accused has been granted anticipatory bail and the petitioner has been falsely implicated in the instant case. The petitioner has solemnized marriage with the victim and subsequently, false allegations have been leveled against the petitioner that the marriage was forcibly solemnized. The petitioner is less than 18 years of age.

4. On the contrary, learned State counsel has opposed the bail application on the score that there are categoric allegations to the effect that the victim was kidnapped by the petitioner and rituals of marriage were forcibly solemnized against her consent. The petitioner had forcibly developed physical relations with her. The report of FSL has not yet been received. Even the blood samples of the petitioner are required for DNA profiling. Moreover, no document to indicate the age of the petitioner to be less than 18 years has been placed on record and even otherwise, in the event, the petitioner is less than 18 years of age, he can avail the benefit of the provisions of Juvenile Justice Act as may be available in accordance with law.

5. In the case in hand, there is categoric statement of the victim to the effect that the rituals of marriage were forcibly solemnized by the petitioner and his family members. The petitioner had developed physical relations against the wish of the victim. It has not been disputed

that the age of the victim was less than 18 years at the time of occurrence. In the event, the petitioner is less than 18 years of age, in the event of arrest, he can avail the benefit of the provisions of Juvenile Justice Act as may be available to him in accordance with law.

6. Keeping in view the gravity of allegations and the entire circumstances appearing on record, no extra ordinary circumstances are made out to extend the concession of anticipatory bail to the petitioner.

7. Present petition is dismissed accordingly.

September 20, 2023  
vkd

(Vivek Puri)  
Judge

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No