

**202-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-49707-2022
Date of decision: 05.09.2023**

RAHUL @ GORA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Himani Kapila, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking anticipatory bail in the case bearing FIR No.96 dated 24.03.2022, under Sections 363/366-A IPC, 1860, registered at Police Station City Ferozepur, District Ferozepur.

2. Reply by way of affidavit of Surinder Pal, Deputy Superintendent of Police, (City) Ferozepur on behalf of the respondent-State has been filed and the same is taken on record.

3. Briefly, the FIR has been registered on the allegations that the victim is aged about 16 years and on 23.03.2022, she went missing from the house. It was suspected that the petitioner has enticed her on the pretext of solemnizing marriage.

4. Learned counsel for the petitioner contends that the victim has attained the age of majority and she voluntarily and willingly accompanied the petitioner. The victim had made statement against the petitioner under the influence of her parental family. It has also been submitted that the co-accused, namely, Robin has

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5. Learned State counsel has opposed the bail application and submitted that the victim went missing from the house on 23.03.2022 and has been recovered on 25.03.2023 and she was aged about 16 years. The Aadhar Card of the victim depicts her date of birth is 05.10.2006.

6. It is significant to note that the victim went missing from the house on 23.03.2022 and has been recovered on 25.03.2023. The statement of the victim under Section 164 Cr.P.C has been recorded wherein it has been stated that she was on friendly terms with Rohit @ Ajay who compelled her to develop relationship with the petitioner. On her refusal, she was threatened by Ramandeep by saying that Rohit @ Ajay was having links with gangsters and on a refusal, they will kill her brother and father. On account of threats, she was forced to come to the house of the petitioner where the petitioner along with his mother- Asha and Ramandeep were waiting for her. They forcibly took her to Attari and thereafter, to Ferozepur.

7. At the very outset, it may be mentioned here that the case of the petitioner cannot be termed to be at parity with Robin, co-accused who has been granted anticipatory bail. The allegations qua Robin, co-accused are to the effect that his car was used in carrying the victim to few places. No overt act with regard to kidnapping has been attributed against him. The date of birth of the victim as mentioned in the Aadhar Card is 05.10.2006. She was aged about 16 years at the time of occurrence. Specific and categoric allegations with regard to kidnapping and threats extended to the victim have been attributed against the petitioner. The primary allegations have been levelled against him. The victim was allegedly kidnapped to compel her for marriage and sexually exploiting her.

The penal provisions of Sections 363/366-A IPC have been invoked in the instant case. The matter requires thorough probe and investigation and no extraordinary

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circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

8. In view of the above, the present petition is dismissed.

05.09.2023

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(VIVEK PURI)
JUDGE

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