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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59881-2022

Date of Decision:- 20.01.2023

RAVI KUMAR

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

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

Mr. M.S.Joshi, Addl. A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioner – Ravi Kumar has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.194, dated 21.06.2022 under Sections 363, 366 of IPC registered at Police Station Maqboolpura, Amritsar.

The facts of the case are that the complainant Raju gave his statement to the police that he is doing labour work. The victim is 15 years of age doing household work. On 16.06.2022, he had gone out for doing labour work and his wife was present at home. He reached home in the evening and his wife told him that the victim had gone to the market at 11:30 A.M. and did not return home. They searched for the victim but could not locate her. Ravi son of Satya Narain was also missing since 16.06.2022. Therefore, he was having firm belief that his daughter has been taken away by Ravi Kumar on the pretext of marriage. During the investigation of the case, the victim was recovered. Her statement was recorded under Section 164 Cr.P.C. on 03.08.2022. The investigation of the case is still going on.

The counsel for petitioner argued that all the allegations leveled against him are false. There is delay in lodging the FIR. Even otherwise, the victim is also recovered and he is also ready to join the investigation. His anticipatory bail application has been declined by the Learned Additional Sessions Judge, Amritsar vide order dated 27.09.2022, which is Annexure P-2. He will abide by the terms of bail order. Therefore, it is prayed that his anticipatory bail application may be allowed.

The bail application is opposed by learned counsel representing the State. It is argued that investigation of the case is still going on. The petitioner is avoiding his arrest and for this reason, his arrest warrants have been issued. He had kidnapped the victim who is a minor girl, aged about 15 years. The victim was recovered from the native village of the petitioner in Bihar. Therefore, considering the gravity of offence, he is not entitled to be released on bail.

I have considered the arguments and have gone through the record carefully. There are serious specific allegations of kidnapping a minor from the lawful custody of her father. The alleged occurrence took place on 16.06.2022 and the victim was recovered on 29.07.2022 from Bihar, after a long gap of one and a half month. The petitioner is specifically named who is yet to join the investigation.

Therefore, considering the gravity of offence, I do not find a fit case for grant of anticipatory bail to the petitioner – Ravi Kumar and the same is, accordingly, declined.

20.01.2023

*lalit***(AMARJOT BHATTI)**
JUDGE

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