

**104 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-60055-2023
Date of decision: 30.11.2023**

KARAMPAL SINGH

.....Petitioner

versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rai Singh Chauhan, Advocate and
Ms. Deepika Chauhan, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, D.A.G., Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail in FIR No.291 dated 14.09.2023, under Sections 363, 366 and 120-B IPC, registered at Police Station B-Division, Amritsar, District Amritsar.

2. Learned counsel for the petitioner *inter alia* contends that the present case has falsely been registered against the petitioner. In her statement recorded on 16.09.2023, under Section 164 Cr.P.C., the prosecutrix has categorically stated that on 13.09.2023, she went away from her house as per her own will. On the next day, she had come back to her parents. She has stated that, they had stayed in a Gurdwara.

3. It was submitted that there are no allegations of sexual assault and the petitioner is even ready to join the investigation, as such, he maybe admitted to anticipatory bail.

4. Upon having advance notice, Mr. Amrik Singh Narwal, D.A.G.,

Haryana appears on behalf of respondent-State and on instructions from ASI Major

Singh, he has confirmed that the statement of the prosecutrix has been recorded on 16.09.2023. Copy of the said statement is submitted today in the Court and the same is taken on record.

5. It is not disputed that the date of birth of the prosecutrix is 29.06.2006, as such, she was about 17 years of age at the time of alleged occurrence. As per the allegations of the complainant in the FIR, her minor daughter was enticed away. It has been specifically mentioned in the FIR that when they went to the house of the petitioner, sister and father of the petitioner told them that they are going to perform the marriage of the prosecutrix with the petitioner, so they can do whatever they want to. Even in her statement recorded under Section 164 Cr.P.C., the prosecutrix has stated that on 13.09.2023, she has gone out of her house with her own will. She had accompanied Karampal Singh to Tarn Taran and then they stayed there in a Gurdwara at night. Next day, when the FIR was got lodged by her parents, she had sent away Karampal Singh (petitioner) and she went to her own house. She further stated that she wants to live with her parents.

6. Keeping in view the fact that the prosecutrix was a minor at the time of alleged occurrence and she was taken away from the lawful custody of her parents, it is not a fit case where concession of pre-arrest bail should be granted. There is no legal consent of the prosecutrix in going away with the petitioner as admittedly, she was minor on the relevant date.

7. Considering the totality of the above-said circumstances, the present petition stands dismissed.

(HARPREET KAUR JEEWAN)
JUDGE

30.11.2023
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