

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-26876-2024 (O&M)
Date of Decision: 27.08.2024

AMRITPAL SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

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

Ms. Himani Arora, AAG, Punjab.

HARPREET KAUR JEEWAN, J.

1. The instant first petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.76 dated 24.03.2024, under Sections 363, 366-A IPC, 1860, registered at Police Station Sadar Mansa, District Mansa.
2. As per the facts of the case, the FIR was lodged at the instance of the mother of the prosecutrix, who informed the police that her daughter was missing since 19.03.2024. The complainant along with her family members had initially searched for the prosecutrix but she could not be traced out. They had firm belief that her daughter had been enticed away by the petitioner on the allurement of marriage. After the registration of the FIR, the minor prosecutrix



was recovered on 26.04.2024 and her statement under Section 164 Cr.P.C. was recorded on 26.04.2024.

3. As per the order dated 27.05.2024 passed by this Court, the minor prosecutrix was ordered to be produced before the Additional Chief Judicial Magistrate, Mansa. As per the status report, the minor victim was produced and her statement was again recorded by the Additional Chief Judicial Magistrate, Mansa (Annexure R-1) on 30.05.2024. As per the said statement, the minor prosecutrix stated that she does not want to go with her mother and as per her wish, she was sent to Nari Niketan, Jalandhar. The prosecutrix had again stated that she wants to solemnize marriage with the petitioner.

4. Status report by way of an affidavit of Gurpreet Singh, PPS, Deputy Superintendent of Police, Sub Division, Mansa, District Mansa along with documents filed on behalf of the respondent-State are taken on record.

5. Learned counsel for the petitioner *inter alia* contends that the prosecutrix had left home as she was not happy with her parents and even her mother was residing separately from her father. After that both the petitioner and the prosecutrix had filed a joint petition for protection before this Court, however later on the recovery of the prosecutrix was effected from a bus stand and not from the custody of the petitioner. Thereafter, the prosecutrix refused for her medical examination and she had stated in her statement recorded on 30.05.2024 that she wishes to marry the petitioner and does not want to go along with her parents. The petitioner has been falsely implicated in this case.

6. Learned State counsel has opposed the bail petition on the ground of the gravity of allegations against the petitioner. Learned State counsel has submitted that the age of the prosecutrix was 16 ½ years at the time of the



alleged occurrence. The prosecutrix was sent to Gandhi Vineeta Ashram, Jalandhar, when she was produced before the Area Magistrate. As per the status report, the prosecutrix has stated in the said statement that she had a friendship with the petitioner and about a month ago, both of them had gone to Gurdwara together. It is also confirmed by the State counsel that medical examination of the minor victim could not be done and in this regard DDR No.19 dated 27.04.2024 and DDR No.21 dated 27.04.2024 were recorded.

7. I have considered the submissions made by the learned counsel for the parties and perused the paper book.

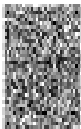
8. The petitioner has submitted in Para No.3 of the petition that he was in a live in relationship with the prosecutrix, however parents of the prosecutrix were against the said relationship. It has been noticed that the age of the prosecutrix was 16 ½ years and her date of birth is 09.11.2017 as per copy of the Aadhar Card of the prosecutrix (Annexure P-2).

9. The petitioner has himself alleged in para No.5 of the petition that the petitioner as well as the victim had approached this Court by way of filing CRWP-2802-2024, which was dismissed as withdrawn vide order dated 28.03.2024 by the Coordinate Bench of this Court.

10. Keeping in view the above facts and especially the fact that the victim was 16 ½ years of age whereas the age of the petitioner is 26 years, the petitioner is not entitled for concession of anticipatory bail, where the allegations in the FIR are that the petitioner had enticed away the minor prosecutrix on the pretext of solemnizing marriage with her.

11. Consequently, the petition is dismissed.

12. Interim order dated 27.05.2024 stands vacated.



13. It is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
14. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

27.08.2024
P.Bhatt

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