

PBGD010075862018



Presented on : 13-11-2018
Registered on : 13-11-2018
Decided on : 16-11-2018
Duration : 0 years, 0 months, 3 days

**IN THE COURT OF SH.PREM KUMAR,ADDL. SESSIONS
JUDGE, GURDASPUR(UID No.PB0451)**

**Bail Application No. 280/2018
Date of Instn. : 13/11/2018
CIS No.BA/3037/2018
CNR No. PBGD01-007586-2018
Date of order : 16/11/2018**

Bhag Singh son of Shingara Singh, resident of village Bahadurpur
Rajoya, Shri Hargobindpur, District Gurdaspur.

..Applicant-accused

Versus

State of Punjab

..Respondent.

FIR No.104 Dated 31/08/2018
U/S 377, 506 IPC and
U/S 3, 4 of Protection of Children From
Sexual Offences Act
Police Station Shri Hargobindpur.

Ist Bail application U/s 439 Cr.P.C.

Present: Sh.H.S.Janjua, Advocate for applicant.
Sh.K.S.Gill, Addl.P.P for State.

ORDER:

1. This order of mine shall dispose bail application
moved under Section 439 Cr.P.C. by applicant-accused Bhag Singh
in the above mentioned FIR.

2. Upon notice of this bail application, learned Addl.P.P appeared on behalf of State and opposed the bail application. Police record was also summoned.

3. The present case was registered on the statement of complainant Harjit Kaur to the effect that his son Bikarmjit Singh is aged about 11 years and he is student of 4th class and Bhag Singh runs bus of Bhinder School, Qadian and he used to take his son Bikramjit Singh on school and he also said that he will give him tuition. She alleged that his son has been going to Bhinder School for the last four months and from last 15 day he has been taking tuition from Bhag Singh. She alleged that on 29/08/2018 when she was giving bathe to Bikramjit Singh he was unable to sit and told that he has pain in his back as Bhag Singh commits wrong acts with him and he also committed wrong act with him yesterday and also told that blood oozes when he goes to toilet. Complainant alleged that on this she alongwith respectables went to complaint to Bhag Singh but he has been hiding himself.

4. Learned counsel for applicant/accused has contended that the applicant is innocent and has been falsely implicated in this case. He contended that no occurrence as alleged in the FIR took place. He contended that after registration of FIR the child did not consented for going to school on bike and he disclosed that it would be better if he would go on school but with other children as he used to play on the way. He further disclosed that he has made false allegation against the driver as he did not want to go to school and driver Bhag Singh never did any wrong with him. He

disclosed that he had told wrong story and applicant is innocent. Ld.counsel for applicant contended that an affidavit executed by complainant stating these facts is also attached with bail application and prayed that the be released on bail.

5. On the other hand learned Addl.P.P for State opposed the bail application on the ground of gravity of offence.

6. Heard.

Record perused. As per allegations, the applicant/accused Bhag Singh committed unnatural intercourse with a minor boy aged about 11 years a student of 4th. As per allegations the applicant/accused Bhag Singh is driver of bus in which the victim used to go to his school and the applicant/accused also used to give tuition to the minor victim. Specific allegations have been made against the applicant/accused. The allegations against the applicant/accused are heinous in nature. Therefore, taking into consideration all these facts and circumstances, and gravity of offence, I find that it is not a fit case where the applicant/accused Bhag Singh should be granted bail. Hence, without commenting on the merits of this case, the present bail application filed by applicant/accused Bhag Singh is dismissed. Anything said or observed in this order shall have no bearing effect on merits of the case. File be consigned to record room.

Pronounced in open Court:
Dt: 16/11/2018
Rajiv Sharma,
Stenographer-I

(Prem Kumar)
Addl.Sessions Judge,
Gurdaspur.(UID No.PB0451)

BA 3037 2018

Bhag Singh Vs State

Present: Sh.H.S.Janjua, Advocate for applicant.
Sh.K.S. Gill, Addl.P.P for State.

Police record perused. Arguments on bail application heard. Vide my separate detailed order of even date present bail application has been dismissed. File be consigned to record room.

Pronounced in open Court:

Dt: 16/11/2018

Rajiv Sharma,
Stenographer-I

(Prem Kumar)

Addl.Sessions Judge,
Gurdaspur.(UID No.PB0451)