

**IN THE COURT OF SH. BARJINDER PAL SINGH,
ADDITIONAL SESSIONS JUDGE / FAST TRACK SPECIAL
COURT UNDER THE POCSO ACT, LUDHIANA
(UID NO. PB-0185).**

CNR No.PBLD-0101-5724-2026
CIS No. BA/6292/2026

Decided on: 23.07.2026

Mohd. Mihraj Ahmad son of Mohd. Khurshid Alam, r/o Plot No.107,
Street No.2, Near Masjid Harkrishan Vihar Rahon Road, Ludhiana.

.....(Applicant/Accused).

Versus

State of Punjab

**FIR No.23 dated 08.02.2026.
U/s: 127(6), 137(2), 96, 61(2) BNS & 6
POCSO Act, 2012.
Police Station: Basti Jodhewal, Ludhiana.**

Bail Application Under Section 483 of B.N.S.S.

Present: Sh. Gurkirpal Singh Gill, Adv. counsel for applicant.
Ms. Manjinder Kaur, Special Public Prosecutor for State.

ORDER:

This order of mine shall dispose off bail application under section **483 of B.N.S.S.** filed by the applicant/accused Mohd. Mihraj Ahmad in case FIR mentioned above.

2. Record from the police station concerned was called and notice of the bail application was given to State upon which Ld. Special P.P has appeared and contested the bail application.

3. Brief facts of the case are that present FIR was registered at the instance and on the statement of complainant Keshar Alam son of Badrudeen Ansari to the effect that he is residing at H. No.5, Street

No.10, Mohalla Vardhman Colony Rahon Road, Jodhewal, Ludhiana.

He is having four children. His younger daughter/prosecutrix (*whose name is not being mentioned in compliance of provisions contained in Section 228A of IPC and directions of Hon'ble Supreme Court in of State of Karnataka Vs. Puttraj (2004 (1) SCC 475) and is hereinafter called prosecutrix*) whose date of birth is 03.04.2010 studying in 8th standard.

That on 05.02.2026 at about 8:30 a.m, she went to her school but at about 9:30 a.m, he (complainant) received phone call from class teacher of his daughter/prosecutrix, who told him that today is exam day of his daughter/prosecutrix and she did not reach school till yet. Thereafter, he along with his family members started searching the prosecutrix at their own level in the nearby area but she could not be found anywhere. He is a suspicion that some unknown person(s) had illegally confined his daughter/prosecutrix in order to satisfy his lust. With these allegations, the present FIR under section 127(6) BNS has been registered against the unknown person(s).

4. Ld. Special P.P. for State argued that there are serious and grave allegations against the present applicant/accused and that the applicant in furtherance of common intention with his accomplices had kidnapped the prosecutrix (minor) from the lawful guardianship of her parents with intention to have illicit intercourse with her. It was further argued that initially, FIR was registered against unknown person(s) u/s 127(6) BNS but on the basis of statement of supplementary statement of the complainant, co-accused (non-applicant) Samad Sheikh was

nominated as accused in the present case. During investigation statement of prosecutrix/victim under section 183 BNSS was recorded on the basis of which, present applicant/accused and his accomplices were nominated as accused in the present case. During investigation offence u/s 137(2), 96, 61(2) BNS and section 6 POCSO Act were enhanced in the present case. It was further argued that challan in the present case is yet to be presented and that material witnesses including complainant and prosecutrix are yet to be examined in the present case. There is every apprehension that applicant/accused may try to win over or intimidate the witnesses from deposing in the court and prayed that the present bail application be dismissed.

5. On the other hand, learned counsel for the bail applicant argued that present applicant has not committed any such offence as alleged in the FIR. It was further argued that the applicant has neither committed the alleged offences nor participated in any criminal conspiracy as alleged by the prosecution. It was further argued that initially, FIR has been registered against unknown person (s) on the statement of father of the victim/prosecutrix and that present applicant is neither named in the FIR nor any specific role attributed to him and that there was no allegation of sexual assault, aggravated penetrative sexual assault against the applicant in initial version of the complainant. It was further argued that the prosecutrix/victim is having love affair with co-accused (non-applicant) Samad Sheikh and he has also placed on record copy of protection petition moved by the

prosecutrix/victim and co-accused Samad Sheikh before the learned District & Sessions Judge, Ludhiana which was granted by the Court of learned Incharge District & Sessions Judge, Ludhiana vide order dated 07.02.2026. He has also placed on record one pen drive and contended that as per contents of pen drive the prosecutrix/victim was sitting on pillion seat on the Motorcycle which was being driven by co-accused (non-applicant) Samad Sheikh and alleging that the contents of this pen drive does not show any kind of role attributed to the present applicant. The applicant/accused was arrested in the present case on 10.07.2026 and since then he is in custody. Nothing is to be recovered from him. It was further argued that presentation of challan and thereafter conclusion of trial will take considerable time and no purpose would be served by keeping the applicant/accused behind the bars for an indefinite period. He further submitted that the applicant is ready to abide by all the terms and conditions as imposed by this Court. On these submissions, a prayer to accept the bail application has been made.

6. I have considered the rival contentions of learned Special PP for State as well as learned counsel for the applicant/accused and have perused the record carefully.

7. As far as contention of learned counsel for the bail applicant that the prosecutrix/victim is having love affair with co-accused (non-applicant) Samad Sheikh and he has also placed on record copy of protection petition moved by the prosecutrix/victim and co-accused Samad Sheikh

before learned District & Sessions Judge, Ludhiana which was granted by the Court of learned Incharge District & Sessions Judge, Ludhiana vide order dated 07.02.2026. He has also placed on record one pen drive and contended that as per contents of pen drive the prosecutrix/victim was sitting on pillion seat on the Motorcycle which was being driven by co-accused (non-applicant) Samad Sheikh and alleging that the contents of this pen drive does not show any kind of role attributed to the present applicant, is concerned. This contention of learned counsel for the applicant did not find any force in it, as simply on the basis of contents of pen drive, role of present applicant/accused cannot be negated as the prosecutrix/victim has categorically named the present applicant/accused in her statement under section 183 BNSS and it is a matter of evidence which is to be seen at the time of trial.

8. The allegations against the applicant/accused are that he in furtherance of common intention with his accomplices/co-accused had kidnapped the prosecutrix (minor) from the lawful guardianship of her parents. Perusal of record reveals that initially, FIR was registered against unknown person(s) under section 127(6) BNS and thereafter, on the basis of supplementary statement of the complainant recorded on 11.02.2026, co-accused Samad Sheikh son of Rehmudeen were nominated as accused in the present case and during investigation offence u/s 137(2), 96 BNS were enhanced in the present case. Record further reveals that during investigation, statement of prosecutrix/victim u/s 183 BNSS was recorded and on the basis of her statement, applicant/accused Mohd. Mihraj Ahmad and his

accomplices/co-accused Hamid and Mehboob were also nominated as accused in the present case and offence u/s 61(2) BNS and 6 POCSO Act were enhanced in the present case. The prosecutrix is minor as per record. Record further reveals that challan in the present case is yet to be presented and that material witnesses including complainant and prosecutrix/victim are yet to be examined. Moreover, the statement of victim/prosecutrix is yet to be recorded and her testimony recorded in the court would clear whether she corroborates her statement u/s 183 BNSS and u/s 180 BNSS.

9. As such, keeping in view the gravity of offence and seriousness of allegations leveled against the present applicant/accused, he does not deserve any relief. Hence, the present bail application is hereby **dismissed**. Police record be returned forthwith. Bail application file be tagged with the main file/remand papers.

Pronounced in open Court.

Dated: 23.07.2026

Sd/-
(Barjinder Pal Singh)
Addl. Sessions Judge/FTSC
under POCSO Act/Ludhiana.
(UID No.PB-0185)

Gurmeet Singh, Stg.-II

(Directly dictated on computer)

(Barjinder Pal Singh)
(UID PB-0185)/ASJ/Ldh.