

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

**Bail Application No. 77/2018
Date of Instn. : 30/01/2018
CIS No.BA/278/2019
CNR No. PBGD01-002913-2019
Date of order : 04/02/2019**

Sarabjit Singh son of Kulwant Singh, resident of vill. Hemrajpur,
P.S.Sadar, Tehsil and District Gurdaspur.

..Applicant-accused

Versus

State

..Respondent.

FIR No.104 Dated 29/08/2018
U/Ss 376-D, 342 IPC
Police Station Sadar Gurdaspur.

2nd Bail application U/s 439 Cr.P.C.

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

ORDER:

1. This order of mine shall dispose of 2nd bail application under Section 439 Cr.P.C. moved by applicant-accused Sarabjit Singh in the above mentioned FIR. The first bail application under section 439 Cr.PC moved by applicant was dismissed by this court vide order dated 05/12/2018.

2. Upon notice of this bail application, learned Addl.P.P appeared on behalf of State and opposed the bail application.

3. The present case against applicant/accused Sarabjit Singh and others was registered on the statement of prosecutrix..... aged about 20-1/2 years to the effect that she is

10+2 pass and accused Sarabjit Singh was working near her house and he developed intimacy with her. She alleged that on 13/07/2018 he took her on his motorcycle and thereafter two more boys who were known to Sarabjit Singh joined them and they took her to Mumbai in a house of their friend where they stayed for 3-4 days and Sarabjit Singh alongwith his friends used to commit rape with her. She alleged that from Mumbai they came to Chandigarh and Sarabjit Singh asked her that he will marry her and they went to High Court where a relative and elder brother of Sarabjit Singh were present. Prosecutrix alleged that elder brother of Sarabjit Singh asked her to make physical relations with him and thereafter they wore her Choorabangles and brought her to their home and confined her in outside room of their house, Prosecutrix alleged that she however made call to her parents and when they came there, the accused did not allow them to enter in their home and gave her beatings. Her parents made call to her Maasi Dorthi and then she was saved from clutches of accused.

4. Learned counsel for applicant argued that the applicant is innocent and has been falsely implicated in this case. He contended that applicant is in custody since 30/08/2018 and the prosecution has examined prosecutrix and star witness. He further contended that conclusion of trial will take time and no useful purpose will be served by detaining applicant behind the bars and prayed that he 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 Sarabjit Singh developed intimacy with prosecutrix and he alongwith two more persons took her to Mumbai where he alongwith his friends used to commit rape with her and thereafter they brought prosecutrix to Chandigarh and then to his home from where she was saved from clutches of accused. There are specific allegations against the applicant/accused Sarabjit Singh. The allegations against the applicant/accused are serious in nature and against the society. So, at this stage, no ground is made out to release the applicant/accused on bail. Hence, present bail application filed by applicant/accused Sarabjit Singh under section 439 Cr.PC is ordered to be dismissed. Anything said or observed in this order shall have no bearing effect on merits of the case. Papers be attached with the main file.

Pronounced in open Court:
Dt: 04/02/2019
Rajiv Sharma, Stenographer-I

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

BA/278/2019

Sarabjit Singh Vs State

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

Arguments heard. Vide my separate order of even date
present bail application has been dismissed. Papers be attached with
the main file.

Pronounced in open Court:
Dt: 04/02/2019
Rajiv Sharma, Stenographer-I

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