

**State versus Daler Singh, Bail application under Section 438 Cr.P.C,**  
**CNR No.PBLD010160752019, CIS No.BA/2797/2019**  
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In the Court of Mrs. Rashmi Sharma,  
Additional Sessions Judge,  
Ludhiana/UID No.PB0201

| CNR No.          | CIS Case No. | Instt. No./Date | FIR No. /date | Under section | Police Station      | Date of Order |
|------------------|--------------|-----------------|---------------|---------------|---------------------|---------------|
| PBLD010160752019 | BA/2797/2019 | 10.04.2019      | 76/29.3.2019  | 363, 366 IPC  | Sahnewal, Ludhiana. | 20.4.2019     |

State

versus

Daler Singh, aged 28 years, son of Basakha Singh, r/o Ward No.7,  
Backside Police Station, Model Town, Sahnewal, Distt Ludhiana.

.....applicant/accused

**Bail application under Section 438 Cr.P.C.**

Present: Sh.Satkaran Singh, Advocate, for applicant/accused  
Sh. S.S. Haider, Special/Addl.PP for the State

**ORDER**

Indulgence of the Court has been craved for by applicant/accused Daler Singh by filing first application for anticipatory bail.

2. Notice of the said application was given to the State in pursuance of which police record is produced.

3. Application under consideration has been filed on the averments that marriage of applicant/accused and prosecutrix was got solemnized on 27.3.2019 at Gurudwara, Guru Nanak Niwas Sahib, Village Karor Kalan, Tehsil Kharar, Distt Mohali without any pressure or threat from any side. Applicant/accused as well as prosecutrix have already attained the age of majority. False FIR

has been got registered by father of prosecutrix by using his influence over the local police. Repeated raids are being conducted in the house of the applicant/accused despite of the fact that he has not committed any offence. Applicant/accused undertakes to abide by the terms and conditions imposed by the court, if concession of anticipatory bail is granted to him. Prayer for anticipatory bail has been made.

4. Per contra, application has been contested by State on the grounds that there are serious accusations against the applicant/accused of having kidnapped the prosecutrix and enticing her away for subjecting her to illicit intercourse. The requisite photocopies of the documents, placed on record by the applicant/accused are required to be proved during the course of trial and therefore no reliance upon the same can be placed at this stage. Considering the gravity of offence, applicant/accused is not entitled to be released on anticipatory bail. Prayer for dismissal of the bail application has been made.

5. After giving thoughtful consideration to the rival submissions made by both the parties and apprising of the record, it is evident that criminal law in case in hand was set in motion on the basis of information provided by Surinder Pal, complainant, to the effect that he has three sons and a daughter. Prosecutrix had studied upto +2 and was used to do house hold chores. On 27.3.2019 at about 11:30 AM, prosecutrix intimated her mother that she was going to the village for taking her clothes but did not return. Later on, complainant came to know that her daughter has been enticed away by applicant/accused on the pretext of marriage. On the basis of above said information, FIR under Section 363, 366 IPC was registered.

6. During the course of investigation, on 7.4.2019 statement of prosecutrix under Section 164 Cr.PC was recorded to

the effect that she has voluntarily solemnized marriage with the applicant/accused without any pressure or threat. She was desirous of residing with the accused and his family members and threats were being given by her own family members to her.

7. Perusal of record reveals that in FIR, father of prosecutrix himself has mentioned the age of prosecutrix as nineteen years. Copy of aadhar card and matriculation certificate of the prosecutrix expressed her date of birth as 3.6.2000. Whereas date of occurrence is of 27.3.2019. It appears that prosecutrix has already attained majority prior to registration of FIR. Copy of marriage certificate, photographs of marriage are on record.

8. In context of aforesaid factual position in the light of available record and statement of prosecutrix under Section 164 Cr.P.C, court deems it a fit case to grant the benefit of interim anticipatory bail to applicant/accused Daler Singh. As such, applicant/accused is admitted to interim anticipatory bail and is directed to join investigation on or before 25.4.2019. In case applicant/accused joins investigation, he shall be admitted on interim anticipatory bail by investigation officer/SHO/arresting officer subject to the following conditions: -

a) That the applicant-accused shall make himself available for investigation by the police officer as and when required.

b) That applicant-accused directly or indirectly shall not make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any police officer.

c) That applicant-accused shall not leave the country without prior permission of the court.

9. After joining the investigation, report be submitted on 29.4.2019. Police record returned, to be produced on the date fixed i.e 29.4.2019. Nothing stated aforesaid shall be construed as

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an expression or opinion of the merits of the case. Copy of bail order be sent to officer in-charge of concerned police station.

(Rashmi Sharma)  
Addl. Sessions Judge  
Ludhiana, UID No. PB0201

Pronounced in open Court:  
Dated: 20th April, 2019  
Raj Kumar, Stenographer Gr.II

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Present: Sh.Satkaran Singh, Advocate, for applicant/accused  
Sh. S.S. Haider, Special/Addl.PP for the State

Police record produced. Heard. Vide my separate detailed order of even date, applicant/accused has been granted interim anticipatory bail. After joining the investigation report be submitted on 29.4.2019. Police record returned, to be produced on the date fixed i.e 29.4.2019. Copy of bail order sent to officer in-charge of concerned police station.

(Rashmi Sharma)  
Addl. Sessions Judge  
Ludhiana, UID No. PB0201

Pronounced in open Court:  
Dated: 20th April, 2019  
Raj Kumar, Stenographer Gr.II