

**IN THE COURT OF MRS. ARCHANA PURI,
SESSIONS JUDGE,
MOHALI.**

***Bail Application No. 142 dated 19.07.2018
Registration No.BA/ 2783/2018
CNR No.PBSA01-004837-2018
Date of decision: 25.07.2018***

Maninder Singh, aged about 21 years, son of Gurtej Singh, resident of Village Saddhopur, Police Station Baldev Nagar, District Ambala, Haryana.

--- ***Applicants***

Vs.

State of Punjab

----***Respondent.***

Bail application under section 439 Cr.P.C.
filed by applicant Maninder Singh.

FIR No. 0060 dated 23.03.2018

Under Section: 376, 328, 506, 120-B IPC

Police Station: Lalru.

Present: Shri Tejinder Singh, Advocate, Counsel for the applicant.
Shri Gurdeep Singh, Public Prosecutor for the State.

ORDER

This is an application for seeking bail under section 439 Cr.P.C, filed by the applicant Maninder Singh, in case bearing FIR No. 0060 dated 23.03.2018, Under Section: 376, 328, 506, 120-B IPC, Police Station: Lalru.

2. Notice of the bail application was given to the State. Learned Public Prosecutor made appearance on behalf of the State and produced the record. Even, the record of the challan presented in the

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Court has been put up before me.

3. I have heard the learned Counsel for the applicants, learned Public Prosecutor for the State and perused the record.

4. The aforesaid case was registered at the instance of prosecutrix (**name withheld**) daughter of Maninder Singh. As per the version of the prosecution, in the Month of June, 2016 one unknown person had started conversing with her on face book while claiming himself to be her class mate and thereafter, they developed interaction with each other. Even, Maninder Turke, had been constantly sending messages to her on mobile phone. On 13.8.2016, Maninder Turke, had met her at Mohan Bakery, Ambala City and he had also shown her modeling and song clips. He had also projected to the prosecutrix that he shall make her learning and shall facilitate her introduction in the films. On 20.08.2016, Maninder Turke, had taken the prosecutrix to A.P. Hotel, Lalru and had made her to consume cold drink which was having something and thereafter, the prosecutrix became unconscious. When on the next day, she gained consciousness, she found herself to be naked. Even, Maninder Turke, was naked. Maninder Turke, had committed rape with her against her consent. He had also disclosed to her that he had clicked her named photographs and if she raised alarm, he shall circulate the same. Even, his brother Parvinder Turke, and their relative Amandeep Singh, had also while in car come to A.P. Hotel and they had then taken prosecutrix and Maninder Turke, in the car and dropped her at some distance from her house. There are accusations of Parvinder Turke, and Amandeep Singh, to have rendered their assistance to

Maninder Turke.

During the course of investigation, the applicant was arrested in the present case on 07.04.2018.

5. Now, it is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in the present case. In fact, it is submitted that the fellow accused Parminder Singh, and Mastan @ Amandeep Singh, have already been granted benefit of interim bail by the Hon'ble High Court. As such, a prayer has been made for grant of bail to the applicant.

6. However, the plea of false implication, as now raised on behalf of the applicant, can only be ascertained at a later stage. There are clear and specific accusations of commission of rape upon the prosecutrix by Maninder Turke. Even though, it is vehemently submitted that Parminder Singh and Mastan @ Amandeep Singh, have been granted benefit of interim bail by the Hon'ble High Court, but however, it is pertinent to mention that the role of the fellow accused is distinguishable from the role of the applicant. In fact, copy of the order dated 09.05.2018 passed by the Hon'ble High Court, has been annexed with the bail application record and perusal of the same reveals that an observation has been made by the Hon'ble High Court while granting interim bail about the counsel having submitted that there are no allegations of rape against the petitioner (Parminder Singh). Considering the distinctive role of the fellow accused and also considering the clear and specific accusations of the commission of rape upon the prosecutrix by the present applicant and the serious nature of the accusations, at this stage, I do not deem it

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appropriate to grant bail to the applicant. Consequently, the bail application is hereby dismissed. Record be returned and bail papers be consigned to the record room.

Pronounced
25.07.2018

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'Ram Pal'
Stenographer-I

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Present: Shri Tejinder Singh, Advocate, Counsel for the applicant.
Shri Gurdeep Singh, Public Prosecutor for the State.

Record produced. Arguments on bail application heard. Vide my separate order of today, bail application filed by applicant Maninder Singh, has been dismissed. Record be returned and bail papers be consigned to the record room.

Pronounced
25.07.2018

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Sessions Judge, Mohali.