

**IN THE COURT OF KIRAN BALA, ADDITIONAL SESSIONS
JUDGE, BATHINDA. (UID No. PB-0147)**

CRN No. BA/2792/2020
CNR No. PBBT01-006638-2020
Order Dated : 9.10.2020

State Versus

Amandeep Singh @ Aman @
Gurdeep Singh s/o Jagsir Singh,
resident of village Malakpura, Distt.
Sirsa.

.....Applicant/Accused.

FIR No. 241 of 18.10.2019
U/s 376-D/506 IPC
P.S. Civil Lines, Bathinda.

Bail Application U/s 439 Cr.P.C.

Present : Sh. J.S. Gill, Addl. PP for the State.
 Sh. B.S. Dhalla, counsel for the applicant/accused.

ORDER :

1. The instant bail application for grant of regular bail under section 439 of Cr.P.C., has been filed by the above said applicant, who has been named as accused in above referred FIR.
2. As per averments made by the applicant, this is second regular bail application on behalf of the accused/applicant and the first regular bail application was dismissed by this court on 12.5.2020. He has falsely been implicated in this case. There is unexplained delay of more than 9 days in lodging the FIR, and the petitioner has been implicated in this case after due deliberations and consultation, with sole motive to extort money from him. Fresh ground for filing of present bail application is that report of FSL has been received and as per said report, human semen was not detected on 'Pyjama' and cloth

piece. As such, the prosecution story is not corroborated by FSL report. The applicant did not commit the alleged offence and the complainant has falsely involved him in this case. The present case is registered on the basis of concocted allegations. The accused/applicant is in custody since 18.10.2019. Conclusion of trial will take considerable time and no useful purpose would be served by detaining the accused/applicant behind bars any further. As such, the accused/applicant be admitted to bail.

3. No formal reply was filed, but, grant of bail was opposed by Learned Addl. Public Prosecutor for the State, stating that the allegations levelled against the accused/applicant are quite serious in nature.
4. I have heard Learned defence counsel for the applicant/accused, learned Addl. Public Prosecutor for the State and gone through the material on record. Arguments have been made ad-verbatim.
5. This case was registered on the statement of complainant/prosecutrix with the allegations that on on 9.10.2019 at about 4.00 p.m., her husband had gone out of house, when accused/applicant Aman Singh @ Gurdeep Singh and Gurtej Singh came there and asked her to give drinking water. When she went inside to bring water, both of them followed her. Both of them threw her on cot and committed rape upon her one by one.

Earlier regular bail application of the accused/applicant was dismissed by this court vide order dated 12.5.2020. This second

bail application U/s 439 Cr.P.C. has been moved by the applicant/accused with fresh ground that no human semen was detected on 'Pyjama' and piece of cloth and blood sample of accused/applicant was returned without examination, so the accused/applicant cannot be connected with this case, as alleged by the prosecutrix. A perusal of the FSL report reveals that as per conclusion part (a.) " Human semen was detected on vaginal swabs stated to be of prosecutrix, but no male DNA profile could be obtained due to low quantity of amplifiable male DNA." Further (c.) part of conclusion discloses " Human semen was not detected on Pyjama and cloth piece". As per this report, human semen was detected on vaginal swabs of the prosecutrix. Blood sample of accused/applicant was returned due to technical reason, as due to its low quantity of amplifiable male DNA, DNA profile could not be obtained. But only due to missing of human semen on Pyjama and cloth piece, the accused/applicant cannot be exonerated of the accusations levelled against him. Rather, this report does not conclusively determine the accused/applicant not to be donor of sperms, found on the vaginal swabs of the prosecutrix. The situation could have been different, if no human semen could have been detected on vaginal swabs of the prosecutrix, but, it is not so in this case. The FSL report prima facie shows that prosecutrix had been subjected to sexual act. Now it is a matter of trial, if the accused/applicant is responsible for the said criminal act or not because admittedly she is a married woman living with her husband. Hence, culpability of the accused/applicant is to be

evaluated at the time of trial of the case and he cannot be given a clean chit, at this stage. So the accused/applicant does not deserve concession of regular bail on the basis of above referred fresh grounds. The accusations levelled against the accused/applicant are too serious to be ignored and act of the accused/applicant is a threat to the society at large. Trial is at initial stage and key witnesses of the case are yet to depose before court. This court is of the view that in case the accused/applicant is enlarged on bail, there is every likelihood of his making attempts to win over or overawe the key witnesses of the case or to abscond from the jurisdiction of the the court. Hence, the bail application in hand is, hereby, dismissed being without any merit. Papers be attached with the main trial file.

Pronounced in open Court.

Dated: 9.10.2020.

(Kiran Bala),
Addl. Sessions Judge, (D)
Bathinda.
(UID PB-0147)

Suraj Mohan SG-II.

CRN No. BA/2792/2020

CNR No. PBBT01-006638-2020

State Vs. Amandeep Singh

Present : Sh. J.S. Gill, Addl. PP for the State.
Sh. B.S. Dhalla, counsel for the applicant/accused.

Record produced. Arguments heard. Vide my separate detailed order of even date, the present bail application is dismissed. Papers be attached with the main trial file.

Pronounced in open Court.

Dated: 9.10.2020.

(Kiran Bala),
Addl. Sessions Judge, (D)
Bathinda.
(UID-PB-0147)

Suraj Mohan SG-II.