

**IN THE COURT OF VIKRANT KUMAR,
ADDITIONAL SESSIONS JUDGE,
MOGA (UID No.PB00213).**

CNR No.PBMO010014502024.
CIS Filing No.BA/530/2024.
Date of order : 18.03.2024

State of Punjab

Versus

Suraj son of Tarbabu resident of village Hathi Khera, PO Barithana, District Unnao, Uttar Pradesh.

----Applicant-accused

FIR No.258 dated 29.12.2023,
Under Section : 8 of POCSO Act,
Police Station :- City South, Moga.

Bail Application under Section 438 Cr.P.C.

Present:- Shri Rajpal Sharma Advocate for applicants-accused
Shri Sahib Singh, Additional Public Prosecutor for State

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ORDER

1. The brief facts of the case, which require consideration for disposal of the present bail application are that present FIR has been lodged on the basis of statement of complainant/prosecutrix. It is alleged that she is studying in Government Senior Secondary School, Moga in 10+1 class. They are having four brothers and sisters. She is having one mobile phone bearing Sim card No.98016-64016 of Airtel Company, which is also being used in her house. About four years ago, one call was received from unknown mobile No.82995-42846 on her aforesaid mobile number and she asked who are you and then caller replied that he is Suraj son of Tarbabu resident of village Hathi Khera, PO Barithana, District Unnao, Uttar Pradesh. Thereafter, they started talking to each other. On 25.06.2023, accused Suraj has made a call to her that he is standing near Geeta Bhawan Park and he wants to meet her. Due to her friendship with said Suraj Singh, she has gone to meet him. Thereafter, they went to a room of Hotel Jaiswal where accused put pressure upon her to have a sex with her. She asked him that she is having menstrual cycle. Thereafter,

accused kissed on her lips and cheeks. Thereafter, accused started arguing her for about one hour that if she is having period, then why he has called him at Moga. After that they left the hotel and she has reached at Moga by Auto and accused went at U.P. On 15.08.2023, they again met at Geeta Bhawan Park and talked with each other for about 7/8 hours. Accused again asked her to go in a hotel room but she has refused to go there. About 10/15 days ago, her parents had also come to know about her friendship with Suraj and her father had told accused to perform marriage with her but accused told that as he wants to continue his study, so he could not solemnize the marriage for about two hours. Now accused Suraj has switched off his mobile phone. On the basis of the statement of prosecutrix, the present FIR was got registered against the accused/applicant. Applicant-accused could not be arrested. Now, apprehending his arrest, the accused-applicant has moved present pre-arrest bail application.

2. I have heard learned counsel for applicant-accused as well as learned Additional Public Prosecutor and have gone through the record.

3. Vide order dated 11.03.2024 passed by this Court, applicant-accused was directed to join the investigation. Today, ASI Gurcharan Singh, Police Station City South, Moga has come present and stated that applicant-accused has joined the investigation and also suffered statement :-

“Stated that he is the investigating officer of the present case. As per record, the accused/applicant has joined the investigation on 14.03.2024. He is no more required for further investigation. No offence is enhanced in the present case.”

4. In view of above said discussion and statement of investigating officer that applicant-accused has joined investigation & his custodial interrogation is no more required, interim order dated 11.03.2024 is made absolute, subject to following conditions :-

1. That he shall join investigation as and when called upon by Investigating Officer;
2. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and

3. That he shall not leave the country without prior permission of court.

File be consigned to the record room.

Pronounced.

Dated :- 18.03.2024.

Sunny Stenographer-II

(Vikrant Kumar)

Additional Sessions Judge,

Moga (UID No.PB00213).

State Vs. Suraj

Present:- Shri Rajpal Sharma Advocate for applicants-accused
Shri Sahib Singh, Additional Public Prosecutor for State

Today ASI Gurcharan Singh has come present and suffered his separate statement that he is the investigating officer of the present case. As per record, the accused/applicant has joined the investigation on 14.03.2024. He is no more required for further investigation. No offence is enhanced in the present case

Arguments heard. Vide my separate order of even date, the present bail application stands allowed. File be consigned to the Record Room.

Pronounced.
Dated :- 18.03.2024.

Sunny Stenographer-II

(Vikrant Kumar)
Additional Sessions Judge,
Moga (UID No.PB00213).