

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

CNR No.PBMO010062702023.
CIS Filing No.BA/2384/2023.
Date of order : 23.10.2023.

State Versus Varinder Singh alis Vicky son of Joginder Singh
resident of Mehar Singh Wala, PS Sadar Zira,
District Ferozepur.
-----Applicant-accused

FIR No.124 dated 21.06.2023,
Under Sections : 376, 506 IPC
Police Station : City South, Moga.

Bail Application under Section 439 Cr.P.C.

Present:- Shri Surjit Singla Advocate for applicant-accused
 Shri Sahib Singh, Additional Public Prosecutor for State.

-.-.-.-

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 statement of complainant (name of victim withheld) where she has alleged that she is studying in B.A. 1st year of Arts at Guru Nanak College, Moga. Her father is a mason and mother Paramjit Kaur is house-wife. She is having one sister namely Veerpal Kaur wife of Ajaybeer Singh son of Gian Singh, resident of Pandori Sidhwan, Tehsil & District Tarn Taran as well as having one brother namely Pardeep Singh who is learning mason work from her father. In January 2022, there was a marriage function of Harpreet Kaur daughter of Surjit Singh i.e. their neighbourer and she along with her family had gone to attend this function and in the house of said Surjit Singh, son of brother-in-law of Surjit Singh, namely Varinder Singh @ Vicky son of Joginder Singh, resident of Mehar Singh Wala, Sadar Zira, District Ferozepur was also present. She also stated that in the marriage function, she and said Varinder Singh @ Vicky became friends with each other. After three-four months, she started going to College and said Varinder Singh @ Vicky used to stop her in way. She further stated that on 19/20.09.2022, under the pretext of

having Tea together, Varinder Singh @ Vicky took the complainant from bus stand, Dharamkot in a car to a Hotel situated at Charik Road, Moga and asked her for having sex and forced her for it. She refused him for having sex with him and further told him that she would have sex with her husband only after the marriage performed by her family.

2. She further stated that Varinder Singh @ Vicky forcibly removed her clothes and committed rape with her and also made videos of having sex with her. Varinder Singh @ Vicky kept her in the room for about two hours and also took contact numbers of her relatives from her mobile phone and thereafter, left her outside the College and threatened her that in case she would tell anything to anyone, he would viral the aforesaid videos. After some days, Varinder Singh @ Vicky, after blackmailing her on the basis of aforesaid videos, again took her on the same place and again committed rape with her. She requested him many times to delete the said videos, but Varinder Singh @ Vicky forcibly committed rape with her and also created her fake account on Instagram under the name 'preet_indergarh' and sent photographs of him along her to her sister and brother and blackmailed them and also gave threats to kill her brother. On the basis of above said statement of prosecutrix, present FIR was lodged. The accused-applicant was arrested on 21.06.2023. Thus, present bail application has been filed.

3. Learned counsel for accused/applicant has submitted that false FIR has been lodged against the accused/applicant. The prosecutrix and her sister have turned hostile while appearing in the witness box. The prosecutrix was major at that time. He also submitted that since the the prosecutrix has turned hostile, as such, accused/applicant be enlarged on bail.

4. On the other hand, learned Addl.PP for State has submitted that allegations against the accused/applicant are serious in nature and he is not entitled for bail. Lastly, he prayed that bail application be dismissed.

5. I have heard the learned counsel for the accused/applicant as well as learned Addl.PP for State and have gone through the file minutely.

6. From the perusal of FIR, allegations against the accused/applicant are that he has committed rape with the prosecutrix and also threatened him that in case she disclosed the incident to anyone, he would viral her video.

Perusal of file also shows that prosecutrix while appearing into witness box has deposed that she does not know the accused and he has not committed any rape upon her. The police took her signatures on blank papers. Veerpal Kaur has also deposed on the similar lines. Star witnesses of the prosecution have turned hostile and stated that no offence has been committed by accused. Since, the prosecutrix has turned hostile, as such, this court is of the view that no useful purpose would be served by keeping the accused/applicant behind the bar for indefinite period. Accused/applicant is in custody since 21.06.2023. As such bail application filed by accused-applicant is allowed and he is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.1,00,000/- with one surety in the like amount, subject to following conditions :-

1. That he shall attend the court on each and every date of hearing;
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 or to any police officer or tamper with the evidence;
3. That he shall not leave the country without prior permission of court;

File be tagged with remand papers.

Pronounced.
Dated :- 23.10.2023.

Sunny Stenographer-II

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

Present:- Shri Surjit Singla Advocate for applicant-accused
Shri Sahib Singh, Additional Public Prosecutor for State

Main file received and perused. Arguments heard. Vide my separate order of even date, the present bail application stands allowed. Papers be attached with main file.

Pronounced.

Dated :- 23.10.2023.

Sunny Stenographer-II

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