

PBTT010046612026



**IN THE COURT OF AMANDEEP KAUR CHAHAL (UID No. PB0248)
ADDITIONAL SESSIONS JUDGE, TARN TARAN**

**CIS No. BA 2381-26
Date of Order : 15.07.2026**

Gursewak Singh aged about 26 years s/o Gurmeet Singh r/o village Pakhopur, Chohla Sahib Tehsil and District Tarn Taran.

.....Applicant/accused.

Versus

State of Punjab

(Bail application under Section 482 of B.N.S.S)

-0-0-

FIR no. 98 dated 25.06.2026

U/S: 69 of BNS.

P.S City Patti.

-0-0-

Present : Ms. Rabinder Kaur, Advocate for applicant/accused.
Sh. Sandeep Kumar, Addl Public Prosecutor for the State
assisted by Sh. Parminder Singh Dhillon alongwith
complainant in person.

ORDER

1 This order shall dispose of an anticipatory bail application filed by the applicant/accused in case FIR no. 98 dated 25.06.2026 U/S: 69 of BNS, P.S City Patti.

2. Notice of the bail application was issued to the State and police record was requisitioned.

3. Report of investigating officer along with the Additional Public Prosecutor about pendency of or of any former adjudication of bail application before or by any Court under the provisions of BNSS and the result thereof was called upon. It was reported that except the present FIR, no other FIR has been registered and no any application relating to this

case of accused has been decided or pending in any other court of competent jurisdiction. Statement in this regard of ASI Karamjit Kaur also recorded.

4. Ahlmad had also reported that except the present FIR, no any application relating to this case of accused has been decided or pending in any court.

ABSTRACT OF FIR.

5. Whereas FIR is registered at the instance of prosecutrix 'M Kaur' (inter-alia alleging) that she is aged about 25 years. IN the year 2021, she and Gursewak Singh used to study in Graduation B.A at College Cholha Sahib. In the meantime, their developed a friendly relationship between them. Gursewak Singh liked her and wanted to marry her and he was pressuring her for marriage. In the year 2022, Gursewak Singh joined Army but they were having continuous talking even after that. She started trusting him and Gursewak Singh developed physical relation with her on 26.07.2024 and also told her he will marry her but later on whenever she used to insist him for marriage, then he would linger on the matter on one pretext or the other. Later on he refused to marry with her. He has made physical relation with her on the pretext that he will marry her but now he is denying from the same and legal action be taken against him. On the basis of this statement, case was registered against the accused.

6. Ld. Counsel for the applicant-accused argued that applicant is innocent and has not committed any alleged offence. He is an Army Officer. The accused is demanding money from the accused/applicant by threatening to falsely implicated him in a fabricated criminal case. The

present FIR is fake and factitious. Ld. Counsel requested that bail application may kindly be allowed.

7. On the other hand, learned Additional Public Prosecutor for the State argued that allegations are serious in nature the accused/applicant is not entitled to bail and bail application may kindly be dismissed.

GUIDING PARAMETERS

As outlined in *Gurbaksh Singh Sibbia v. State of Punjab, 1980 AIR(SC) 1632*, *Bhadresh Bipinbhai Sheth v. State of Gujarat and Another AIR(SC) 3090*, *Sushila Aggarwal and others Versus State (NCT of Delhi) and another 2020 AIR (SC) 831*

(a) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made; (b) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;

(c) The possibility of the applicant to flee from justice;

(d) The possibility of the accused's likelihood to repeat similar or other offences;

(e) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;

(f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;

(g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern;

(h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be

prevention of harassment, humiliation and unjustified detention of the accused;

(i) The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

(j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the course of events, the accused in entitled to an order of bail.

DISCUSSION

8 From the perusal of record it transpires that the FIR was registered under Section 69 of BNS, against the applicant/accused. Perusal of the file further reveals that the allegation against the accused-applicant is that accused has committed rape upon the prosecutrix on the pretext of marrying her.

9. Perusal of the record reveals that specific allegations have been leveled against applicant-accused qua committing rape upon the prosecutrix. Perusal of the statement of the prosecutrix U/Sec.183 BNSS also reveals that direct allegations have been leveled by prosecutrix against applicant-accused Gursewak Singh. The arguments of learned defence counsel that the accused is innocent as he was getting training in Army does not find merits as the offence is serious in nature and there is nothing on record to prove that the accused applicant never took any leave from Army during the period as alleged by prosecutrix. Moreover, this is the matter of evidence and it will be too early to comment upon this. The challan in the present case is yet to be presented and victim, is yet to be

examined. The interests of the victim witnesses and of the society at large need to be protected. The public interest of fair trial would outweigh the personal interest of the accused while undertaking the task of balancing the liberty of accused on one hand and interest of the society to have a fair trial on the other hand. It is the need for larger public interest to ensure that criminal justice delivery system works efficiently, smoothly and in a fair manner that has to be given prime importance. If there is threat to fair trial because of intimidation of witnesses etc., it would shake public confidence in the criminal justice delivery system. Reliance is placed upon the observations made by the **Hon'ble Supreme Court of India in Shahzad Hasan Khan v/s Ishtiaq Hasan Khan (1987)2 SCC 684, Masroor vs state of U.P (2009) 14 SCC(CRI)1368**. In cases involving sexual offences against women/children, the risk of the accused influencing witnesses and tempering with evidence is high. Also that there is likelihood that he would flee away from the jurisdiction of the court which would prejudice the trial. Thus without delving into the merits of the case, the court is of the opinion that at this stage, no ground is made out to allow the present bail application.

10 Considering the nature of the allegations put up against the accused/applicant and the gravity of the offence, the Court does not deem it expedient to enlarge the accused /applicant on bail as there is likelihood that he would tamper with the prosecution evidence and would delay the proceedings of the present case.

11 Consequently, the bail application is **dismissed**. It is made clear that none of the observation made by this Court would ever influence the decision of the Court on merits of the case. Papers be

attached with the remand papers/challan pending, if any, or be consigned to the record room.

**Pronounced in open court
on: 15.07.2026**
Aman JW

**Amandeep Kaur Chahal,
Additional Sessions Judge/
Tarn Taran UID-PB0248**

Present : Ms. Rabinder Kaur, Advocate for applicant/accused.
Sh. Sandeep Kumar, Addl Public Prosecutor for the State
assisted by Sh. Parminder Singh Dhillon alongwith
complainant in person.

Arguments heard. Vide my separate detailed order of even
date, the present bail application stands **DISMISSED**. Bail Papers be
attached with the remand papers/challan pending, if any, or be consigned
to the record room.

Pronounced in open court
on: 15.07.2026
Aman JW

Amandeep Kaur Chahal,
Additional Sessions Judge/
Tarn Taran UID-PB0248