

**IN THE COURT OF MS. ARCHNA KAMBOJ,
ADDITIONAL SESSIONS JUDGE, GURDASPUR.**

Unique Identification Code No. (PB0202)

Bail Application No. 317 dated 14.08.2020

Date of Decision: 20.08.2020

CIS no. BA-2590-2020

FIR No. 136 dated 12.08.2020

U/S 363/366/120-B IPC

P.S. Sadar Gurdaspur

Kewal Krishan son of Bawa Ram resident of village Lakhawal, P.S. Sadar Gurdaspur, Tehsil and District Gurdaspur.

---Accused/applicant

Versus

State of Punjab.

1st bail application under Section 438 Cr.P.C.

Present: Shri Lakhwinder Singh Bhogal Adv., counsel for accused-applicant. (through video conference)
Shri Kiran Kumar, Addl.P.P for the State (through video conference)

ORDER

1. This is an application for seeking bail under Section 438 Criminal Procedure Code moved on behalf of above said accused/applicant Kewal Krishan in the aforementioned FIR.
2. Notice of bail application was given to State , consequent upon which learned APP for the State had put in appearance. Police record has also been received.
3. I have heard the learned counsel for accused-applicant,

learned Additional PP for the State (both through video conference) and have also perused the record very minutely with their able assistance.

4. It has been submitted as well as argued on behalf of accused-applicant Kewal Krishan that he is innocent and has been falsely implicated in the present case. The accused-applicant is apprehensive of his arrest at the hands of the police. It has further been submitted that accused-applicant is serving in LIC department as Higher Grade Assistant at Gurdaspur and has been falsely implicated in the present case only to harass and humiliate him. It has further been submitted that no occurrence as alleged in the FIR took place and FIR has been registered under political pressure. It has further been submitted that accused-applicant has no participation in the alleged crime as he was not present at the time of alleged occurrence. It has further been submitted that accused-applicant is not required for the purpose of recovery and hence he is not required for custodial interrogation. It has further been submitted that accused-applicant is ready to join investigation and shall cooperate with the investigation as and when required and will abide by all the terms and conditions as imposed upon him. It has further been submitted that accused-applicant will not leave India without the prior permission of the Court nor will flee from the justice and will not tamper with the prosecution evidence and finally prayer for granting him anticipatory bail has been made.

5. On the other hand, while controverting the contentions put

forth by learned counsel for accused-applicant, learned Additional PP for the State vehemently opposed the contentions put forth on behalf of the present accused-applicant and argued that serious allegations have been leveled against the present accused/applicant and as such, she does not deserve the leniency of the court in grant of relief of anticipatory bail and finally prayer for its dismissal has been made.

6. From the arguments put forth by both the parties and after perusing the record, it comes to the forefront that the present FIR was registered on the statement of Surinder Singh son of Baldev Singh resident of village Lakhowal to the effect that he was resident of aforementioned address and daily wager. He has three children i.e. two daughters and a son. All of them were studying. His eldest daughter/prosecutrix was studying in Government Senior Secondary School, Kala Nangal and her date of birth was 16.10.2004 and is still minor. On 10.08.2020 he alongwith his wife Parveen Kaur alongwith his son and younger daughter had gone to the home of Mohan Singh resident of their village for doing work. When they returned back to home at about 01:30 PM, then they found that his daughter/prosecutrix was not present at home. They enquired about her from neighbourhood and relatives, but to no avail. Later on they came to know and they were sure that his daughter/prosecutrix had been allured by Simranjit @ Lucky son of Kewal Krishan resident of village Lakhowal in connivance with his father Kewal krishan son of Bawa Ram resident of village Lakhowal on the

pretext of getting married to Simranjit @ Lucky as his daughter/prosecutrix had told him that Simranjit Singh @ Lucky aforementioned used to trouble her on her way to school. They tried to contact the father of Simranjit Singh through respectables of the society and also requested him to refrain his son from doing so, but to no avail. He has been trying to search his daughter, but not avail and he prayed that appropriate action may be taken against aforementioned persons.

7. After perusal of record and hearing rival contentions of both the parties, this court is of the considered view that the allegations against the accused-applicant are that when the prosecutrix's father complained regarding the conduct of his son to him, he did not pay any heed. The main allegations are against the accused Simranjit Singh. Needless to say that the fact of the alleged act of helping Simranjit Singh (non-applicant) in eloping with prosecutrix daughter of complainant, which have been levelled against present accused-applicant will come into light at the time of appreciating evidence led during trial and at this stage, it would not be appropriate to jump to any conclusions. So, at this stage, without commenting upon the merits of the case, the accused/applicant is directed to join the investigation as and when called by investigating officer and is further directed to co-operate with the investigating agency and investigating/arresting officer shall admit him to interim bail to its own satisfaction till the next date of hearing subject to the conditions envisaged under section 438(2) Clauses (i), (ii) and (iii) of Cr.P.C. Now to

come up on 28.08.2020 for awaiting the report of Investigating Officer regarding the fact, whether accused/applicant Kewal Krishan has joined the investigation or not.

Pronounced in the open Court
Dated: 20.08.2020
Dilbag Singh, Steno-II

(Archna Kamboj)
Addl. Sessions Judge,
Gurdaspur. UID no. PB0202