

Gurmeet Kaur Vs. State of Punjab (BA 2549/2019)
&
Gurjant Singh Versus State of Punjab (BA 4007/2019)
FIR No.33 dated 27.2.2018 of P.S.Goindwal Sahib.
Under Sec.363/366/376/34 of IPC & Sec.5 and 6 of POCSO Act, 2012.

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Present: Shri G.S.Randhawa, Advocate for the accused-applicants.  
Ms.Ramneet Kaur, APP for the State.

Both the applicants above named by means of their separate applications under Section 438 Cr.P.C. have come up with a prayer for the concession of anticipatory bail in the captioned FIR registered with police of P.S.Goindwal Sahib, District Tarn Taran.

On notice, the learned APP put in appearance and on being intimated that the present bail applications arise out of a case decided by this Court on 18.1.2019, the file of the said decided case 'State Vs. Gurpreet Singh' has also been requisitioned and I have gone through the same. The learned counsel for the accused-applicants and learned APP for the State have been heard at length.

As per records, FIR in this case was got registered by one Karam Singh son of Pritam Singh of Brik Kiln of Rice Mills, Fatehabad according to whose setatement his minor daughter aged about 12 years had studied upto 4<sup>th</sup>-5<sup>th</sup> standard and on 23.2.2018 when returned home from his work, his wife told him that their said minor daughter had run away with Gurpreet Singh, a worker in the same brick kiln. He further added that they saw said Gurpreet Singh with his daughter on Motor cycle. Efforts to trace out the said minor daughter having remained unsuccessful, he got registered an FIR against said accused Gurpreet Singh. The present accused-applicants have been nominated as accused in the case on the basis of supplementary statement of said complainant Karam Singh whereby he claimed involvement of these accused also behind the said occurrence of his daughter having been enticed away by Gurpreet Singh and on the basis of statement of prosecutrix herself, offence under Sec.376 of IPC was also added in the case besides the offences under the POCSO ACT, 2012.

It is thus clear that the accused-applicants were no where named originally in the FIR and rather according to version of the complainant, he alongwith his wife had seen the prosecutrix with Gurpreet Singh on his motor

cycle. However, during the course of trial against said accused Gurpreet Singh, neither the prosecutrix herself nor even the complainant supported the prosecution version and rather gave a clean chit to Gurpreet Singh by stating that he was not even known to them and that they never saw the said accused in the house of the present accused-applicants at any point of time. The said trial against main accused Gurpreet Singh thus culminated into a Judgment of acquittal passed by my learned predecessor on 18.1.2019.

Keeping in view all these facts of the case coupled with the fact that the present accused-applicants happened to be roped in the case on the basis of supplementary improvised version of the complainant, but without commenting anything on the merits of the case, both the accused-applicants are hereby directed to join investigation within a period of 10 days from today and in the event of their doing so, they shall be admitted to interim bail to the satisfaction of the investigating/arresting officer. A copy of this order be placed in the file of the connected bail application.

For further proceedings to ensure compliance with this order by the accused-applicants, to come up on 11.10.2019.

Pronounced:  
27.9.2019.

(Charanjeet Arora)  
Additional Sessions Judge, Tarn Taran  
(UID No.PB0178)