

BA 2588-20 Lovepreet Singh Versus State'
FIR No.73/2020 of P.S.Khalra.
Under Section 363/366/148/149 IPC (Sections 376-D(A) IPC and Sec.3-4-5
of POCSO Act, 2012 added lateron)

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Present:      Shri B.S.Gill, Advocate for the accused-applicant.  
                 APP for the State.

Under disposal by means of this order is an application under Section 439 Cr.P.C. filed on behalf of accused-applicant Lovepreet Singh who has come up with a prayer for his release on regular bail in respect of the above captioned FIR.

Upon notice, learned APP caused appearance and on behalf of the State and apprised this Court with regard to presentation of challan before the learned Ilaqa Magistrate upon which challan file was ordered to be summoned which has since been received in this Court.

I have accordingly heard the learned counsel for accused-applicant and learned APP for the State and have gone through the records of the case in the shape of challan file.

As it emerges out of records, FIR in this case was registered for the alleged commission of offences punishable under Section 363/366-A/120-B IPC on the basis of statement of one Jasbir Kaur according to whose version her minor daughter aged about 16 years and a student of 9<sup>th</sup> Standard had been enticed away on the pretext of marriage by co-accused/non-applicant Avtar Singh alias Taru on the intervening night of 4.5.2020. She also named the family members including the present accused being brother of said Avtar Singh to have conspired for the said act committed by Avtar Singh. During the course of investigations, the minor daughter of the complainant was recovered who too got recorded her statement before the police to the effect that co-accused Avtar Singh had come into contact with her about a year ago while working as a labourer in the neighbourhood and the said accused used to allure her with the promise of marriage. According to her the family members of said accused had also been asking her to marry Avtar Singh but she refused upon which on the night of 4/5.5.2020 the present accused-applicant alongwith his brother Avtar Singh and others came to her house on two motor cycles and she was forcibly taken to the house of Avtar Singh where also she was pressurized by the family members of co-

accused Avtar Singh to marry him and on the refusal of the prosecutrix, they exhorted Avtar Singh to teach a lesson to the prosecutrix for refusing to marry him whereafter she was taken to some abandoned place and was subjected to forcible sexual inter course by Avtar Singh under threat of causing loss of life to her brother. As a result, offences punishable under Section 376-D(A) IPC and Sec.3/4/5 of POCSO Act, 2012 were also invoked in the case.

In the light of said facts and circumstances of the case, it is clear that the present accused-applicant has been attributed the specific role that he alongwith co-accused Avtar Singh and others had forcibly taken the prosecutrix from her house which ultimately led to the act of commission of rape by the brother of this accused upon prosecutrix, a minor. This being the situation and keeping in view the seriousness of allegations and gravity of offence, I do not find the accused entitled to the concession of bail and his application for the purpose stands dismissed. Bail papers be consigned to Record Room and summoned records be returned to the Court concerned forthwith.

Pronounced:  
27.11.2020.

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