

**IN THE COURT OF SH. JASJIT SINGH BHINDER,
ADDITIONAL SESSIONS JUDGE, SANGRUR.
(*Unique Identification Code PB 0051*)**

BA No. 95 dated 20.04.2019.

Decided on 02.05.2019.

Arjun Singh aged about 20 years son of Rai Chand resident of Manakheri,
Tehsil Malerkotla, District Sangrur.

.....Accused/Applicant

Versus

State of Punjab

.....Respondent

FIR No. 53 dated 30.06.2018
Under Section 376/506 IPC
Police Station Sandaur

Application under Section 438 Cr.P.C.

Present: Sh. Manpreet Singh Advocate counsel for the applicant.
Sh Kanwardeep Singh Saini Addl.PP for the State.

ORDER

1. This order shall dispose of that an application under Section 438 Cr.P.C filed by Arjun Singh aged about 20 years son of Rai Chand resident of Manakheri, Tehsil Malerkotla, District Sangrur, in case bearing FIR No.53 dated 30.06.2018, Under Section 376/506 IPC, registered at Police Station Sandaur, on the allegations that after the registration of FIR the compromise has been effected between the parties on 31.08.2018 and as per the compromise the complainant does not wants to initiate any proceeding against the accused. On the basis of such compromise quashing is pending in the Hon'ble High Court as such application be allowed.

2. Notice of the bail application was given to the State. I have heard learned counsel for both the parties and I have gone through the file.

3. Learned counsel for the applicant/accused argued that compromise has been effected between the parties. Learned counsel further argued that quashing proceeding is pending before Hon'ble High Court, Chandigarh. Learned counsel further argued that applicant is ready to join the investigation as such application be allowed.

4. On the other hand, Learned Additional PP for the State argued that till now no compromise has been effected and no cancellation report has been filed by the police. Learned APP further argued that there are serious allegations against the present accused as such bail application be dismissed.

5. Perusal of the file shows that present FIR was registered on the statement of Randhir Singh son of Gurmail Singh resident of Manakheri and he has stated that he is a labourer and they are three brothers. He and his younger brother Lakhvir Singh are married with the daughter of Lachman Singh. His wife i.e. victim and his brother's wife name is Sharanjit Kaur and both are deaf and dumb. At about 08:00 am his sister in law Sharanjit Kaur went to her in laws house and she was annoyed and he has gone to village Momnabad to bring her back and his mother Sunder Kaur had gone to village for some domestic work, his wife (victim) was alone in the house. Then at about 11:30 am when he came back then his wife was weeping and she told him by signalling that somebody had done bad things with her by torning her cloths. Victim took him to the house of Arjun Singh son of Rai Chand and she told him by signs that Arjun Singh has done wrong things with her. At this stage Arjun Singh ran away from the spot and he threatened them if they went to the

police then he face dire consequences. On the basis of the statement Randhir Singh formal FIR was registered against the present accused.

6. As per the allegations of the prosecutrix the accused Arjun Singh had done bad things with Deaf and Dumb victim. As per the applicant/accused the matter has been compromised and the matter is pending in the Hon'ble High Court but at this stage there is no order of Hon'ble High Court vide which the FIR has been quashed.

7. By taking the seriousness of the allegations that the applicant/accused had committed rape with Deaf and Dumb victim by torning her cloths as such there is no ground to release the present accused under Section 438 Cr.P.C as such the present bail application is dismissed. File be consigned to the record room.

Pronounced in open court.

Dated:02.05.2019.
Hitesh Bansal Stenographer-III

(Jasjit Singh Bhinder),
Additional Sessions Judge,
Sangrur.

Present: Sh. Manpreet Singh Adv counsel for the applicant.
Sh. Kanwardeep Singh Saini Addl.PP for the State.

Vide my separate detailed order of even date, the present
bail application is dismissed. File be consigned to the record room.

Pronounced.

Dated:02.05.2019.
Hitesh Bansal Stenographer-III

(Jasjit Singh Bhinder),
Additional Sessions Judge,
Sangrur.