

Anticipatory bail application.

Present: **Sh. GS Jassar** Advocate counsel for accused-applicant.
Sh.Munish Kumar, Addl. PP for the State.

ORDER

Heard on the bail application, filed by applicant-accused **Balbir Singh** for the grant of anticipatory bail, in FIR No.89 dated 28.04.2026 under Sections 376, 342, 506 of IPC and Section 6 of POCSO Act, Police Station Mandi Gobindgarh.

2. Report of Ahlmad has been received, who has reported that no such bail application is pending or decided by this court or by the Hon'ble Punjab and Haryana High Court Chandigarh till date.

3. It has been argued by learned counsel for the applicant that the applicant has been falsely involved in FIR No.89 dated 28.04.2026 under Sections 376, 342, 506 IPC and Section 6 of POCSO Act in Police Station Mandi Gobindgarh. The said FIR was registered on the statement of the prosecutrix against three persons, namely, Kala, Saroj Rani and the applicant. It was alleged in the complaint that Kala raped the prosecutrix in the house of Saroj Rani on 20.04.2017. It was also alleged that the applicant committed rape upon her at the house of Saroj Rani on 22.04.2017. When the applicant came to know about the above said FIR, he moved application for inquiry before the Higher Authority to the effect that he was working as Foreman in M/s K.L.Steel Private Limited Bulandshahar Road Lal Kua Gaziabad (UP) and he was not present at the

place of alleged occurrence on 22.04.2016 as he was on duty. During investigation, all log report along with muster report of the Company showing the presence of the applicant and mobile tower location of the mobile phone of applicant were produced before the Investigating Officer. The statements of other employees of the company were also recorded. On the basis of evidence produced by the applicant, DSP Amloh vide report dated 17.05.2016 found the applicant to be innocent. It was sent before SSP and SSP agreed with the report of the DSP. After investigation, challan was presented against Harjinder Singh @ Binder @ Ladi @ Kala and Saroj Rani. The applicant was found innocent and was kept in column No.2 of the report. During trial, the prosecutrix appeared before the learned Trial Court on 17.7.2017 as PW4 in which she was declared hostile qua accused Kala @ Harjinder Singh @ Binder and she did not identify him in the court. However, she levelled allegations against the applicant and Saroj Rani as levelled in the FIR. Her cross examination was deferred and application under Section 319 Cr.P.C was moved. The applicant was summoned vide order dated 19.7.2017 passed under Section 319 Cr.P.C.

4. He has further argued that even there was delay in registration of the FIR. The allegations against the applicant are nothing but an abuse of process of law. Earlier, the applicant approached the Hon'ble High Court in CRR No.3048 of 2017 titled as 'Balbir Singh vs. State of Punjab' against the order dated 19.07.2017 passed by the learned

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Additional Sessions Judge, Fatehgarh Sahib wherein proceedings qua the applicant were stayed vide order dated 31.8.2017 and thereafter, dismissed vide order dated 17.03.2026. The applicant even approached the Hon'ble Supreme Court of India vide SLP (Criminal) No.9100 of 2026 titled as 'Balbir Singh vs. State of Punjab' against the order dated 17.03.2026 passed by the Hon'ble High Court but the same was dismissed vide order dated 22.05.2026. His custodial interrogation is not required. Therefore, he has prayed for anticipatory bail to the applicant.

5. Per contra, learned Add. PP for the State has argued has contended the bail application on the ground that he is not entitled to concession of anticipatory bail looking into the heinousness of the offence. Hence, he has prayed for dismissal of the same.

6. FIR was registered on the statement of the prosecutrix to the effect that she is residing with daughter of her maternal uncle Baljinder Kaur for the last one year near Hargobind School, village Dadheri. She is class 9th pass and her date of birth is 10.08.2006. Since the day of her birth, her mother Gurmeet Kaur started living in the house of Baljinder Kaur, daughter of her maternal uncle at village Dadheri. For the last 20 days, her mother started residing with Reet wife of Harjeet Singh. Her mother was doing the work of dusting and moping at the house of Gurmeet Kur and Saroj Rani. She used to along with her mother. Her mother left her at the house of Saroj and went further for doing job. On

20.04.2016, Saroj Rani threatened her and got committed upon her rape from Kala to which she opposed. Thereafter, Saroj Rani kept her at her home. On 22.4.2016, Saroj Rani again got committed rape upon her from one Balbir Singh foreman and kept her in lock and threatened her a lot. She was afraid. Then Saroj Rani left her out side Reet's house. Under fear, she did not disclose anything to anyone and on that day, daughter of her maternal uncle came to her house to whom she disclosed everything who went along with her to police station to report.

7. FIR was registered against Harjinder Singh, Saroj Rani and Balbir Singh. Balbir Singh moved application for inquiry and he was exonerated in the inquiry. Challan was presented against Harjinder Singh and Saroj Rani by keeping Balbir Singh in column No.2. Thereafter, charge was framed and during course of trial after statement of the prosecutrix, application under Section 319 Cr.P.C was moved which was allowed by my learned Predecessor vide order dated 19.7.2017. Applicant challenged the order dated 19.7.2017 before the Hon'ble High Court wherein vide order dated 31.8.2017, the trial against applicant Balbir Singh was stayed. However, vide order dated 17.3.2026 the petition before the Hon'ble High Court bearing No.CRR-3048 of 2017 was dismissed. Thereafter, he moved before the Hon'ble Apex Court through SLP being No.9109 of 2026 which was also dismissed vide order dated 22.5.2026.

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8. During trial against remaining accused, Harjinder Singh and Saroj Rani, the prosecutrix did not identify accused Harjinder Singh. However, learned Trial Court by keeping in view all other circumstances and document on file proved in the prosecution evidence, convicted accused Harjinder Singh @ Binder @ Laddi @ Kala and Saroj Rani under Sections 376, 506, 342 IPC and Section 3 of the POCSO Act read with Section 120B IPC. Though applicant Balbir Singh has been summoned under Section 319 Cr.P.C but keeping in view the entirety of the facts and circumstances of the case and heinousness of the offence, he is not entitled to the concession of anticipatory bail. Bail application stands dismissed accordingly. File be attached with main file, if any pending, otherwise be consigned to the record room.

Announced:
05.08.2026.
 (Directly dictated on computer)

Jagjit Singh Batta JW

(Dr. Sonia Kinra),
Addl.Sessions Judge,
Fatehgarh Sahib.
UID No. PB0176

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