

BA 1824 21.

**THE COURT OF SMT. PREETI SAHNI,  
ADDITIONAL SESSIONS JUDGE, TARN TARAN**

CIS No : BA/1824/21.  
Date of Decision : 09.07.2021.

1. Pawandeep Kaur @ Mannu w/o Prabhjeet Singh r/o VPO Usman, Tehsil and Distt. Tarn Taran.

-----Applicant/accused.

Versus

State of Punjab.

-----Respondent.

FIR No. : 74 dated 01.06.2021  
Under Section : 363/376-D/506 of IPC and Section 4 of  
POCSO Act.  
Police Station : Sarhali.

Bail Application under Section 439 Cr.P.C.

Present: Sh. H.S Sandhu Advocate, counsel for applicant/accused.  
Sh. Gurpreet Singh Rana, APP for the State.

**Order**

Accused/applicant has moved the present bail application under Section 439 Cr.P.C. seeking grant of regular bail.

It is alleged that the applicant/accused is an innocent person; she has been falsely implicated in the case in hand; she is in custody since 01.06.2021; there is unexplained delay of two days in lodging the FIR; therefore, the applicant/accused be given the concession of bail.

Notice of the same was given to the prosecution. Learned. Addl. PP for the state has opposed the bail application.

Heard. Record received and perused. The case is registered on the basis of complaint of Surnail Singh; in his complaint, he stated that on 30.05.2021 his daughter Raju was got abducted by Manu w/o Prabhjit Singh

(applicant/accused) and Komalpreet Kaur @ Pooja both residents of village Usma from two boys of village Thathian Mahantan; they also raised threats to get eliminate his family.

He further stated that on the same date, his daughter returned back to home in the morning time; he is having apprehension that a rape is committed with her daughter.

During investigation, the daughter of complainant was got recovered and her statement u/s 164 of Cr.P.C was recorded by Ld. Illaqa Magistrate on 02.06.2021; the translated copy of her statement reveals that; she stated that she was beaten by her father and a false case has been got registered against the applicant/accused and her sister by her father and uncles; she had left the house on her own as she was being beaten by her father and now she has returned; she was not abducted by anyone. Further, this fact has also come that when she was taken for medical examination, she refused for the same.

At this juncture, I appreciate the arguments of the counsel for applicant/accused that at this stage, whatever facts have come on record according to that there is nothing to suggest that rape was committed on the daughter of complainant and further her statement u/s 164 Cr.P.C also reveals that she was not abducted by anyone.

So considering the over all facts and circumstances as discussed above and at this stage, without commenting upon the merits of the matter, in the opinion of the Court, the applicant/accused is not required for any investigation purpose; the applicant/accused is in custody since 01.06.2021. So no useful purpose would be served by keeping the applicant-accused

behind the bars for indefinite period. It will take long time for the trial to be completed, so, in these circumstances, the present application is allowed and the applicant is ordered to be released on bail on furnishing bail and surety bonds in the sum of Rs. 50,000/- with one surety in the like amount to the Illaqa Magistrate/Duty Magistrate. Papers be consigned to the record room.

Pronounced  
09.07.2021  
Aman ( Steno)

Preeti Sahni  
Additional Sessions Judge  
Tarn Taran/UID-PB0078