

State Vs. Balwinder Singh @ Gora

Present: Sh.Kulvinder Singh, Advocate, Counsel for the
applicant/accused through phone call.
Ms.Neelam Pathak, Additional Public Prosecutor for the State.

ORDER

Judicial record produced. Heard Sh. Kulwinder Singh Advocate for the applicant/accused on his mobile phone no. 98157-44403 through mobile of Sh. Tejinder Nath, Stenographer-I no.6284011887, on bail application under Section 439 of The Code of Criminal Procedure moved by accused/applicant Balwinder Singh @ Gora son of Shri Jagir Singh resident of Gali No.1, C.M.C.Colony, Amar Nagar, Near Bharat Box Factory, Tajpur Road, Bhamia Kalan, Ludhiana in case FIR No.192 dated 19.07.2019, under Sections 376-B of the Indian Penal Code and Section 4 of The POCSO Act, Police Station Jamalpur, Ludhiana. Accusations against the accused are that the instant case was registered on the basis of statement made by Angad Kumar son of Inder Sain to the effect that he has two daughters, the eldest being the prosecutrix aged about four years and younger being Mahi aged about two and half years. His wife Komal is doing the house hold work. Balwinder Singh @ Gora aged about 50 years is his neighbour. On 18.07.2019 at about 08:00 PM, when he returned home from work, his wife Komal told him that his daughter suffering from pain in her private part and is bleeding since 07:30 PM. When they themselves checked the daughter, it was found to be rape and when they asked about this from their daughter, she told that Balwinder Singh committed rape with her by taking her to his room. He further stated that said Balwinder Singh is now

absconding from house. During investigation, site plan was prepared, statements of the witnesses were recorded, accused was arrested, medical record was collected and after completion of formal investigation, challan against the accused was presented in the court. Learned counsel for the accused/applicant contended that accused/applicant is in custody since 20.07.2019 and no recovery is to be effected from him. He further contended that the prosecution witnesses have already been declared hostile by the learned Addl.P.P.for the state. Therefore, accused/applicant be granted bail. Perusal of the record reveals that charge in this case was framed against the accused/applicant on 03.10.2019 and statements of three prosecution witnesses i.e. prosecutrix, her father Angad Kumar and her mother Shagun have already been recorded, out of whom, prosecutrix has partly supported the case of the prosecution. The allegations against the accused/applicant are of rape with minor, which are grave in nature. Keeping in view the gravity and seriousness of offence, the instant bail application is dismissed. However, nothing observed above shall have any bearing on the outcome of the case. File of the bail application be attached with the main challan file.

Pronounced in open court
On 11.06.2020.

Aashish Abrol,
Addl.Sessions Judge,
Fast Track Special Court
Ludhiana(Duty).
PB-00203.

Tejinder Nath
Stenographer-I