

**IN THE COURT OF RAJWINDER KAUR
ADDITIONAL SESSIONS JUDGE,
FAST TRACK COURT,
EXCLUSIVELY TO DEAL WITH RAPE CASES,
FEROZEPUR
(UID No.PB-0121)**

CIS No. BA/ 2228 of 2024
CNR No. PBFZ0100-5797-2024
Date of order : 04.10.2024

**1. Gulshan, aged 36 years, wife of Aslam, resident of 290 Lal Kurti,
Ferozepur Cantt..**

**2. Sheela Rani, aged 59 years C/o Bohra Ram, Janta Preet Nagar,
Ferozepur City.**

.....Applicants/accused.

Versus

State of Punjab.

..... Respondent

FIR No. 47 dated 14.05.2024.

***Under Sections 376-D, 506, 323, 34
of Indian Penal Code***

***Police Station : Cantt., Ferozepur.
District : Ferozepur.***

Bail application under Section 482 of BNSS.

Present: **Sh. J.S. Sandhu**, Adv.counsel for
applicants/accused **Gulshan** and **Sheela Rani**.
Sh. Amandeep Prinja, Additional PP for the State,

ORDER.

Gulshan and Sheela Rani (accused-applicants), have
filed instant bail application ***under Section 482 BNSS (Bhartiya***

Nagrik Suraksha Sanhita) on the ground that, they are innocent, have nothing to do with the said offence and have been falsely implicated in the present case. True facts are that FIR No.43 dated 06.05.2024 under sections 376,323,34 IPC, Police Station Cantt,Ferozepur was got registered against complainant and others. One DDR No.18 dated 16.09.2024 under section 117(2) of BNS was also got registered against complainant(**photocopy attached**). Thus, instant FIR has been registered to counter blast same with undue and unexplained delay of more than 15 days which shows that possibility of false implication cannot be ruled out. It is further submitted that Gulshan (applicant/accused) remained hospitalized at Civil Hospital, Ferozepur from 01.05.2024 to 13.05.2024(**photocopy of Discharge Certificate attached**) and, she has been falsely implicated with ulterior motive. Now, the police officials of **Police Station Cantt, Ferozepur**, are conducting raids in the house of the accused-applicants. They are ready to join the investigation, if in that event IO/SHO/arresting officer be directed that on doing so, they be released on bail. (*Application is duly supported with affidavits*).

2. Upon notice, **Sh.Amandeep Prinja, learned Additional Public Prosecutor**, for the State appeared. No reply to the application has been filed but hotly contested the same.

3. As per report of Ahlmad as well as Filing Branch, no bail application filed by applicant/accused is pending in the Hon'ble High Court. Copy of report downloaded from the website of Hon'ble Punjab and Haryana High Court is attached.

3. Police record requisitioned, produced and perused.

4. **Prosecutrix** (name withheld), a married woman (complainant), mother of one child, suffered statement that on 29.04.2024, at about 6:00 PM, when her husband and mother in law were away from home and Grand-mother in law was on evening walk, **Sheela Rani** wife of Bohra; Rajeshwar son of Bohra; Saleem i.e. mother, brother and brother in law respectively of **Gulshan** (sister in law/Jethani of complainant) came to meet Gulshan who lives in separate portion of same house. On seeing her(complainant) alone, after hatching criminal conspiracy, **Gulshan** (Jethani) and her mother Sheela got administered some intoxicating substance by mixing same in Fanta cold drink. She became semi conscious. Rajeshwar and Saleem had taken her inside room. **Gulshan** (Jethani) followed them and bolted door from inside, gave beatings. Thereafter, Saleem and Rajeshwar committed rape in front of Gulshan. They all gagged her mouth. Thereafter, Saleem, Rajeshwar and Sheela by hurling threatenings went away. She was scared thus had not disclosed

anything to husband but due to severe pain, she narrated entire occurrence to husband who got her admitted in the hospital on 08.05.2024. Instant case ***under sections 376-D,506,323,34 IPC***, was got registered.

During investigation, Victim xxxx (name withheld) was also produced before Learned Judicial Magistrate where her statement under section 164 Cr.P.C. recorded.

During police proceedings, it was recorded that one ***FIR No.43 dated 06.05.2024 under section 376,323,34 IPC*** already got registered by above noted applicant No.1 that she alongwith her children, husband, grand mother in law and mother in law, Devar and Devrani and other family members lives in one Haveli. On ***26.04.2024*** at about 12 :00 PM (noon time), when she alongwith Amit alias Kappu (brother in law) were alone at house, then at asking of Amit alias Kappu she went to kitchen in order to prepare tea for him. Amit alias Kappu (brother in law) followed her to kitchen, bolted door from inside, caught hold her from waist, committed in-appropriate acts by kissing on her breast. On demand of sex, upon her refusal, she was thrown at bed and after forcibly removing her lower, Amit alias Kappu committed rape. On hearing noise of her grand mother in law, she ran towards her, narrated entire occurrence but at her asking, she remained

mum. On return of her husband, she narrated entire occurrence to him as well as sister in law. On 30.04.2024, during night, she was mercilessly beaten by her grand mother in law, mother in law, brother in law and her sister in law. She was taken to Civil Hospital, for treatment. Case ***under Section 376,323,34 IPC***, was got registered.

5. ***Sh. J.S. Sandhu,Adv.*** has vehemently argued that it is a matter of version and cross-version. All the allegations leveled by complainant are after thought, false and fabricated and counter blast to the case *FIR No.43 dated 06.05.2024 under section 376,323,34 IPC* which was registered 8 days prior to registration of instant case. Even otherwise, it is highly improbable that brother and brother in law of applicant/accused No.1 would commit sexual assault upon another woman in presence of his own sister. It is submitted that undue and unexplained delay of medical examination as well as registration of Fir is sufficient to show that complainant has got registered present false case just to put pressure. Even no intoxicating substance or alleged bottle of cold drink has been recovered during investigation. Therefore, prayer made for grant of pre-arrest bail.

6. On the other hand, **Sh. Amandeep Prinja**, learned Additional PP for the State fairly conceded that 8 days prior to registration of instant FIR, applicant No.1 got registered *FIR No.43*

dated 06.05.2024 under section 376,323,34 IPC at Police Station Cantt., Ferozepur, on the allegations of rape against husband of present complainant. It is submitted that since there are specific allegations leveled against applicants/accused that they got administered intoxicating substance to complainant, who became semi conscious and thereafter, also assisted co-accused/non-applicants, who committed sexual assault upon prosecutrix, therefore opposed prayer.

7. After having considering submissions put forth by counsel for both the parties and, going through the allegations and counter allegations, coupled with the fact that *FIR No.43 dated 06.05.2024 under section 376,323,34 IPC* was also got registered by applicant No.1 against husband of present complainant much prior to registration of instant case and further investigation regarding medical evidence produced by applicant/accused Sheela Rani that she remained hospitalized from 01.05.2024 to 13.05.2024 is still pending, thus at this stage, without commenting upon the merits of the bail application, it seems that, there is enough space for investigation from the point of view of the applicants/accused. Moreover, after applicants/accused join the investigation, clouds of dust surrounding the prosecution case, would become clear and, it would lead the case to logical conclusion and further, in order to conduct effective investigation, ***Gulshan and***

Sheela Rani (accused/applicants) are **allowed** to join investigation within three days, and on their doing so, they shall be released on interim anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer/SHO concerned, subject to the compliance of the following conditions:-

1. That the applicants shall join the investigation as and when required by the police.
2. That the applicants shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any Police Officer.
3. That the applicants shall not leave India without prior permission of the court.

Copy of this order be sent to the concerned quarters for compliance. Record be produced on **08.10.2024**. However, these observation of mine shall have no effect on the merits of the case.

Dated: 04.10.2024.

Manoj Kumar
Stenographer-II

(Rajwinder Kaur)
Addl. Sessions Judge,
(Fast Track Court),
(exclusively dealing with rape cases)
Ferozepur, UID No.PB-0121