

**IN THE COURT OF SH. TARSEM MANGLA,
SESSIONS JUDGE, FAZILKA (UID No. PB0049).**

CIS NO. BA/2130/2020.

Date of Instt: 13.10.2020.

CNR No. PBFZC0-004184-2020.

DATE OF DECISION: **03.11.2020.**

Sandeep Singh aged about 23 years son of Sh. Rama Singh resident of Keranwali Dhani P.S. Sadar, Jalalabad District Fazilka.

-----Applicant/accused.

Versus

State of Punjab

-----Respondent

Application for bail u/s 439 Cr.P.C. in case FIR no. 149 dated 13.12.2019 under Sections 376-D, 450, 506, 201 IPC and Section 6 of POCSO Act, P.S. Sadar, Jalalabad.

Present:- Sh. Hardeep Singh Dhaliwal, Advocate counsel for applicant/accused.
Sh. Sanjiv Kochhar, Ld. Public Prosecutor for the State.

ORDER

This is a **second regular bail** application applied on behalf of applicant/accused Sandeep Singh under the aforesaid sections, as earlier similar bail application was dismissed by the undersigned on 16.06.2020 on merits.

2. Upon notice, Shri Sanjiv Kochhar, Ld. Public Prosecutor appeared on behalf of State/respondent and contested the bail application.

3. Heard. FIR in this case was got registered on 13.12.2019 by the prosecutrix herself by stating her age as 16 years. She narrated that she had studied upto 8th standard. On 06.12.2019 after dinning, the entire family went to sleep. No gate has been installed on the boundary wall of

her house. At about 10.00 pm, when she woke up to urinate, she found Sandeep Singh son of Rama Singh and Kala Singh son of Chiman Singh hiding inside her courtyard. Immediately, Sandeep Singh gagged her by placing his hand upon her mouth and Kala Singh threatened that if she raised a *raula*, she would be done to death. Both of them took her to the motor room of Sarpanch Jarnail Singh, where Sandeep Singh raped her, while Kala Singh kept guarding outside that room. All of a sudden, her domestic dog started barking and her father and elder brother Ramandeep woke up and reached to her rescue.

4. Learned counsel for the bail applicant explained that at the time of moving earlier bail application, benefit of sworn testimony of the prosecutrix was not available to this Court, but now the prosecutrix as well as her father have made depositions, but none of them have supported the cause of the prosecution and were declared hostile by the prosecution.

5. I have heard learned counsel for the bail applicant as well as learned P.P. Perusal of the record transpires that after dismissal of the first regular bail application on 16.06.2020, accused Sandeep Singh moved the Hon'ble High Court by filing CRM-M No. 21797 of 2020. Perusal of order dated 07.10.2020 passed by the Hon'ble High Court transpires that at the time of hearing the bail application, affidavits of prosecutrix, her parents and her elder brother as well were presented to highlight that the bail applicant was falsely implicated, upon which, though the bail application was dismissed, but the Hon'ble High Court directed this Court to record testimony of the prosecutrix.

In compliance of the said direction, after framing of the charges, the prosecutrix and her father were summoned as witnesses. Both

of them appeared on 27.10.2020 and made statements essentially denying role of the present bail applicant in the commission of alleged crime. Primarily due to this reason, both the prosecutrix and her father Satpal Singh were declared hostile at the request of P.P. Despite conduction of cross-examination upon these witnesses by the P.P. no support could be found.

To my mind, the above said facts constitute change of circumstances, on the basis of which, the second regular bail application applied on behalf of the bail applicant can be entertained.

5. It has been submitted that the accused is in custody since 01.06.2020. As the outcome of the trial is almost clear and as the usual fear of the prosecution that if released on bail, the accused may influence the prosecution witnesses is no more available. Hence, in these circumstances, the bail application is allowed and the bail applicant Sandeep Singh is ordered to be released on bail on his furnishing bail bonds in the sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of Trial Court/learned Duty Officer, subject to usual terms and conditions.

However, it is directed that the accused shall not keep any type of contact with the prosecutrix and her family.

7. Bail application file be tagged with the main challan.

Sd/-

(Tarsem Mangla),
Sessions Judge,
Fazilka (UID No. PB0049)

Dated: 03.11.2020.

‘Bhola Shankar’

‘Stenographer Gr.I’

BA 2130 of 2020 Sandeep Singh versus State of Punjab
CNR No. PBFZC0004184-2020.

Present:- Sh. Hardeep Singh Dhaliwal, Advocate counsel for
applicant/accused.
Sh. Sanjiv Kochhar, Ld. Public Prosecutor for the State.

Heard. Vide separate & detailed order of today, the present bail
application has been allowed.

Bail application file be tagged with the main challan.

Sd/-

Dated: 03.11.2020.

‘Bhola Shankar’
‘Stenographer Gr.I’

(Tarsem Mangla),
Sessions Judge,
Fazilka (UID No. PB0049)