

PBBT010136372019



Presented on : 16-11-2019
 Registered on : 16-11-2019
 Decided on : 28-11-2019
 Duration : 0 years, 0 months, 12 days

**IN THE COURT OF MS. RAVI INDER KAUR SANDHU,
 ADDITIONAL SESSIONS JUDGE, BATHINDA.
 (UID NO. PB-0186)
 CNR No. PBBT-01-013637-2019**

CRN No. BA 3545 of 2019
 Decided on : 28.11.2019.

1. Shamsher Singh alias Shera son of Resham Singh
2. Paramjit Kaur, aged about 40 years wife of Shamsher Singh alias Shera son of Resham Singh
3. Mandeep Singh son of Shamsher Singh alias Shera son of Resham Singh

All residents of Street No.10, Hans Nagar, Bathinda.

.....Petitioners

Versus

State of Punjab

..... Respondent.

Bail Application U/S 438 of Cr.P.C.

FIR No. 86 of 16.5.2019,
 U/s 376,506,34 of IPC & Section 4 of POCSO Act,2012
 P.S. Canal Colony, Bathinda

Present:- Mr. RBS Sidhu, Id. counsel for applicants/accused.
 Mr. J S Gill, Ld. Addl. PP for the state.

ORDER

1. The instant application for grant of anticipatory bail under Section 438 of Cr.P.C., has been filed by the aforesaid applicants/accused, who have been named as accused in above referred FIR.

2. In brief, the facts of the case as stated are, that the present FIR was registered on the basis of statement of prosecutrix wherein she alleged that for the last 4 years they are residing in a rented house in Partap Nagar, Bathinda. Preet Kaur wife of Jimmy who was residing in their neighbourhood got her introduced with Manpreet Singh son of accused-applicant. Manpreet Singh used to say that if she went some where without asking him then he will put acid on her. Manpreet Singh also established physical relations with her on the pretext that he will marry with her. About 5 days ago Manpreet Singh established physical relations with her and now he has refused to marry with her. With these allegations the present FIR was registered.

3. Notice of the bail application was given to the State of Punjab and as such, the police file has also been requisitioned.

4. I have heard Mr. RBS Sidhu, learned counsel for the applicants/accused, Mr. J S Gill, learned Addl. PP for the State and have also perused the case file, along with police file.

5. Mr. RBS Sidhu, advocate, learned counsel for the applicants/accused has contended that the applicants have been falsely implicated in this case. They have not committed the alleged offence. The applicants have got no connection with this episode. He argued that main accused Manpreet Singh has already been acquitted by this Court as the prosecution witnesses have not supported the prosecution case. Nothing is required to be recovered from them. Still, the applicants are ready to join the investigation, if extended concession of pre-arrest bail.

6. Per contra, Mr. J S Gill, learned Addl. PP for the State has opposed the grant of anticipatory bail to the applicant by way of arguing that the applicant has committed serious offence.

7. A perusal of the record, has prima facie shown that the prosecutrix has levelled specific allegations to the effect that Manpreet Singh, who is son of Paramjit Kaur applicant used to say that if she went some where without asking him, then he will put acid on her. Manpreet Singh also established physical relations with her on the pretext that he will marry with her. About 5 days ago Manpreet Singh established physical relations with her and now he has refused to marry with her. A perusal of the contents of FIR prima facie shows that Shamsheer Singh petitioner father of Manpreet Singh took her to his house where his all family members were present. The prosecutrix has levelled specific allegations that Paramjit Kaur accused-applicant, mother of Manpreet Singh serve her cold drink and thereafter she became unconscious and after two hours when she became conscious, then her entire body was paining and on her asking Mandeep Singh accused-applicant, brother of Manpreet Singh told that he has her video and if she raises alarm he will upload her video on Net. The accused-applicants are named in the FIR, who played active role in the alleged commission of offence. In view of above, the petitioners have committed serious and grave offence. In case the applicants-accused are granted relief of anticipatory bail, the investigation will be hampered with. So, the custodial interrogation of the accused-applicants has become necessary to ascertain their role for

the commission of offence and for investigating the case. In order to unearth conspiracy and individual role of the accused person, custodial interrogation of the applicant/accused is necessary. In order to unearth conspiracy and individual role of the accused person, custodial interrogation of the applicant/accused is necessary. The Hon 'ble Apex Court in case, State represented by the **CBI Vs. Anil Sharma, reported in 1994(4) RCR (Criminal), 268** has observed as follows;

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect, who is well ensconced with a favourable order under section 438 of the Code. In a case like, this, effective interrogation of suspected persons is of tremendous advantage in disinterring many useful informations of and also material, which would have been concealed Success in such interrogations, would elude if the suspected persons knows that he is well protected and insulated by a pre-arrest bail order during the time, he is interrogated. Very often, interrogation in such a condition, would be reduced to a mere ritual.”

8. Taking cue from the above observation made by the Hon 'ble Supreme Court of India, this court has also formed its opinion to the effect that in case, protective umbrella of anticipatory bail is cast upon the head of accused/applicant, then, it would certainly hamper the investigation of the case, which is at its nascent stage and the interrogation of the accused will become only an empty formality.

9. In view of the serious allegations and the offence

committed by the accused is heinous crime, the custodial interrogation of the applicants/accused has become very much necessary for investigating the case. So, in this very premise, this anticipatory bail application is hereby dismissed. Police record be returned. This file be consigned to the record room.

Pronounced.

Dated: 28.11.2019.

(Ravi Inder Kaur Sandhu),
Addl. Sessions Judge,
Bathinda. (UID PB-0186).

Balwinder Singh,
Stenographer-I.

CNR No. PBBT-01-013637-2019

CRN No. BA 3545 of 2019

Shamsher Singh & others Vs. State

28.11.2019 :Present: Mr. RBS Sidhu, Ld. counsel for applicants.
Mr. J S Gill, Ld. Addl. PP for the State.

Police record produced.

Arguments heard. Vide my separate detailed order of even date, forming part of the record, this anticipatory bail application stands dismissed. Police record be returned. This file be consigned to the record room.

Pronounced.

Dated: 28.11.2019

(Ravi Inder Kaur Sandhu),
Addl. Sessions Judge,
Bathinda.(UID PB-0186)

Balwinder Singh,
Stenographer-I.