

**IN THE COURT OF VIJAY KUMAR, ADDITIONAL SESSIONS
JUDGE, FAZILKA, UID No. PB0154**

Case No: BA/1819 of 2018
CNR No: PBFZC0005351-2018
Date of Institution: 14.12.2018
Date of Order: 21.12.2018

Harmander Singh aged 55 years son of Mohinder Singh resident of village
Kirrianwali Tehsil and District Fazilka.

.....Applicant/Accused

Vs

State of Punjab

.....Respondent.

FIR no. 165 dated 30.11.2018
U/s 376-D, 452, 506 IPC of IPC.
Police Station, Sadar Fazilka.

(Bail application u/s 439 Cr.PC)

Present: Sh. S.S.Mann, Adv. counsel for applicant-accused
Sh. Wazir Kamboj, Addl.PP for State.

Harmander Singh had filed the present bail application in FIR
No. 165 dated 30.11.2018 registered at P.S. Sadar Fazilka under section U/s
376-D, 452, 506 IPC of IPC for releasing him on bail.

2. Brief facts of the bail application are that a false case has been
registered against the applicant-accused. Applicant-accused further stated that
he has not committed any offence. Applicant further stated that he is in
custody since the registration of case i.e. 01.12.2018. Applicant further stated
that he undertakes to abide by the terms and conditions to be imposed by this
court. So, he be admitted to bail.

3. Upon notice learned Addl. PP for the State appeared on behalf of
State and contested the bail application. Learned Addl. PP stated that accused
Harmander Singh threatened the complainant to resile from his earlier
statement vide which FIR under Section 376 IPC was registered against
Gursewak Singh and others. Hence, prayed that bail application be dismissed.

4. I have heard learned counsel for the accused/applicant, APP for the State and have carefully gone through the records of the case.

5. Present FIR No. 165 dated 30.11.2018 was registered at P.S. Sadar Fazilka under Sections 376(D) 452, 506 IPC. Present case was registered against the accused on the ground that earlier FIR No.114 was registered on the statement of complainant that accused Gursewak Singh and others committed rape with her. Prosecution stated that earlier case was registered against the son of present accused and after registration of the FIR No.114 present accused forcibly entered into house of complainant and threatened her to withdraw the case. So there is no allegation of rape against the present accused. There are allegations against the accused that he entered in the house of complainant and threatened her, whereas accused had denied all these facts and these facts are yet to be proved during the course of evidence. Accused-applicant was arrested in the present case on 01.12.2018. Since then he is in custody. So no useful purpose will be served by detaining the accused-applicant behind bars for an indefinite period. Accordingly, accused/applicant Harmander Singh is admitted to bail on furnishing bail bonds/ surety bonds to the tune of Rs. 50,000/- with one surety of the like amount to the satisfaction of Illaqa/Duty Magistrate subject to the condition.

- case,
- (a) That he will not tamper with the prosecution evidence and will not offer any threat, promise or inducement, directly or indirectly to any of the person acquainted with the facts of the case, dissuading them from disclosing the same to the court/investigating agency; and
 - (b) That he will not leave the limits of this country without prior permission of the court.

Bail application papers be consigned to Record Room, Fazilka.

**Pronounced:
21.12.2018.**

'Vinay Kumar'
'Stenographer Gr. I'

**(Vijay Kumar),
Additional Sessions Judge,
Fazilka.
UID No: PB0154**