

IN THE COURT OF MRS. RAJNI CHHOKRA,
ADDITIONAL SESSIONS JUDGE, FAST TRACK COURT,
EXCLUSIVELY TO DEAL WITH RAPE CASES, FEROZEPUR.
(UID No.PB-0168)

CIS No. BA/ 2344 of 2021
CNR No. PBFZ0100-6950-2021
Date of order : 10.11.2021

Navpreet Kaur aged 22 years daughter of Balwinder Singh resident of
Village Sawai Ke Bhokhri, Police Station Mamdot, District Ferozepur.
.....Applicant/accused.

Versus

State of Punjab.

..... Respondent

Application for Bail under Section 438(i) of Cr.P.C.

...

FIR No.181 dated 30.10.2021

PS Sadar Ferozepur.

Under Sections 376-D/120-B of IPC.

Present: Sh. J.S. Sandhu, Advocate Counsel for
applicant/ accused.
Sh. Keemat Singh, Additional PP for the State .

ORDER.

The present bail application on behalf of accused
presented before the Court of undersigned.

2. The present bail application under Section 438(i) Cr.P.C., has
been filed by the applicant/accused, through her counsel for grant her
anticipatory bail, in the above noted case.

3. It is further averred in the application that false case is planted
against applicant/accused. Applicant/accused never committed any
offence as alleged in the FIR. There is considerable delay of 4 days in
lodging the FIR from the date of alleged occurrence, hence the
probability of false implication cannot be ruled out. The delay is

unexplained and unsatisfactory in lodging the instant FIR which casts shadow of doubt on prosecution story. That even from the bare perusal of the FIR itself, No offence under Sections 376-D/120-B of IPC is made out against applicant/accused. Applicant/accused was not present at the time of alleged occurrence. In fact, no occurrence took place as alleged by the complainant in the FIR. In fact the present impugned FIR is counter blast of FIR No.100 dated 08.10.2021 under Sections 376/34 of IPC got registered by applicant/accused against the complainant and her other associates at Police Station Mamdot, District Ferozepur. In the said FIR, the complainant applied for anticipatory bail before the court. Since the applicant/accused got registered FIR against the complainant and her other associates on 08.10.2021, so why on the asking of applicant/accused, complainant came to Ferozepur Cantt alongwith the applicant/accused. Applicant/accused is ready to join the investigation as and when required by the police or ordered by the court. Applicant/accused is not likely to abscond or tamper with the prosecution evidence. Hence the present bail application.

4. Upon notice, learned Additional PP has appeared on behalf of the State-respondent and contested bail application. Police record was summoned and perused.

5. Learned counsel for applicant/accused has contended as per the lines as mentioned in the bail application. He further contended that custodial interrogation of the applicant/accused is not required and the applicant /accused is ready to join investigation and will not misuse the concessions of the bail, if so granted by the Court. It was prayed that application be allowed.

6. On other hand, learned Additional PP for the State has argued that Serious and grave allegations are levelled against the applicant/accused and prayed for dismissal of the present bail application.

7. This Court has heard counsel for the applicant/accused, Learned Additional PP for the State, learned counsel for complainant and have gone through the record on file.\

8. Perusal of the record, it has been revealed that the present case has been registered on the statement of one complainant Parveen Kaur wife of Malkit Singh r/o Jhuge Hazara Singh Wale PS Sadar Ferozepur recorded on 30.10.2021 by the police in which she has stated that she got married to Malkit Singh son of Gurdial Singh r/o Jhuge Hazara Singh Wala for the last 10 years and blessed with two children. Her husband had expired 2-1/2 years ago and after that she had been doing labour work to bring up her children. On 27.10.2021 her sister in law Chhinder Kaur wife of Lakhwinder Singh r/o Village Kunde PS Sadar Ferozepur alongwith her friend Navpreet Kaur d/o Balwinder Kaur r/o Sawai Ke Bhogri PS Mamdot came to her house at 10:00 am. She had stated that some officials cards were to be made at Ferozepur on which the government provides many facilities and asked her to accompany her to Ferozepur Cantt. So, she alongwith her sister in law and her friend Navpreet Kaur went to Ferozepur Cantt where they had waited till 5 pm and then at about 5 pm when her sister in law Chhinder Kaur called some one and after an hour, her brother in law Lakhwinder Singh s/o Sajjan Singh r/o Kunde PS Sadar Ferozepur, Kala Singh son of Gurdial Singh r/o Jhuge Hazara Singh Wala (brother in law) Gurmej Singh son of Kpapor Singh r/o Village Sawai Ke now resident

of Bare Ke and Gurdial Singh son of Balvir Singh r/o Jhuge Hazara Singh Wala (fatherin law) came on the motor cycle. Then Navpreet Kaur had asked her to get seated on the motor cycle as they had some work, and then she got seated on the motor cycle of Lakhwinder Singh who is her brother in law (jeth). They had taken her to Canal near Khai Ke and then he had stopped the motor cycle and on the other motor cycle her other brother in law (jeth) Kala Singh. They also stopped the motor cycle near the canal. When she asked about it to them, then Lakhwinder Singh had caught hold of her from her arm and dragged her and when she asked what they were doing, then they had committed rape with her. Her father in law and Gurmej Singh were guarding them. She had told about the occurrence to her mother and they got admitted her in the Civil Hospital, Ferozepur on 29.10.2021. On the statement of the complainant/prosecutrix the present case under Sections 376-D/120-B of IPC was registered against accused.

9. As far as, applicant/accused Navpreet Kaur is concerned, she was not relative of the complainant. Only allegations against her that she was alongwith one Chhinder Kaur who asked the victim to go to Ferozepur from where the other accused who are brother in law and father in law of the victim had taken her near canal of Khai Ke and committed alleged offence.

10. It has also come on record that earlire applicant/accused had got registered a case bearing FIR No. 100 dated 08.10.2021 under Sections 376/34 of IPC of PS Mamdot against complainant and her other relatives and it seems unnatural that after registration of the case under Section 376 read with Section 34 of IPC against complainant, applicant/accused would go to her house and accompanied her to

Ferozepur. Nothing is to be recovered from applicant/accused and as such her custodial interrogation is not required. Even applicant/accused is ready to join the investigation and to cooperate the investigating agency.

11. So, taking into consideration all the above facts and circumstances of the case, and, without commenting upon the merits of the present case, it is the fit case to grant interim bail to the applicant/accused. Furthermore, as the custodial interrogation of the applicant/accused is not required and the applicant /accused is ready to join the investigation and undertook to cooperate the Investigating Officer. Accordingly, in the event of her arrest, applicant/accused- aforesaid shall be admitted to interim bail to the satisfaction of the Investigating Officer on or before 15.11.2021 with the following conditions:-

- (i) the applicant shall make herself available as and when required by the Investigating Officer,*
- (ii) the applicant shall not induce/threat any of the prosecution witness or tamper with the evidence in any manner,*
- (iii) the applicant shall not leave India without prior permission of this court.*
- (iv) the applicant/accused shall not commit an offence similar to the offence of which she is accused or suspected of its commission.*

12. Police record returned. Now report of the Investigating Officer be awaited till 15.11.2021.

Pronounced in the Open Court.

Dated 10.11.2021.

Dalip Goyal,
Stenographer Grade II.
Direct Dictation.

(Rajni Chhokra)
Additional Sessions Judge,
Fast Track Court,
Exclusively dealing with Rape Cases,
Ferozepur. UID No.PB-0168.