

CIS No.BA/191/ 2024
CNR No. PBPO010008182024
Date of Institution: 04.03.2024
Date of Decision: 06.03.2024

1. Ankit Kumar@ Anku aged 20 years son of Sh. Puran Chand, resident of Village Janial, Narot Jaimal Singh, Tehsil and District Pathankot.

Versus

State.

FIR No.60 dated 16.10.2023
U/s 363, 366, 376 IPC and 06 of
POCSO Act.
Police Station: Narot Jaimal Singh.

Present: Sh. Vikramjeet Rai Advocate counsel for applicant/
accused.
Ms. Ambica Gupta Ld. Addl. PP for the State.

ORDER:

1. Heard on the regular bail application.
2. Learned counsel for the applicant/accused has submitted that applicant/accused has been in custody since 21.10.2023. The victim has not been supported the case of the prosecution in the statement recorded under Section 164 Cr.P.C. No useful purpose would be served by keeping the applicant/accused behind the bars and prayer has been made for allowing the bail application.
3. Learned Addl. PP for the State has argued that the allegations against the applicant are serious in nature. The victim was minor and there are allegations of forcible penetrative sexual assault and prayer has been made for dismissal of the bail application.
4. The alleged incident is dated 19/20.08.2023. However, the FIR has been registered on 16.10.2023 when the victim aged about 14

years disclosed to her mother that she was enticed and taken away by the applicant/accused and victim was confined at some deserted place and applicant/accused made physical relations forcibly with the victim. The statement of victim made before her mother is relevant under Indian Evidence Act. However, in her statement recorded before Ld. Magistrate under Section 164 Cr.P.C., she has not stated so, but she/victim being minor, so statement of even mother is relevant for that purpose. Perusal of record reflects that learned counsel for the complainant assisting prosecution stated before the court on the last date of hearing that school examination of victim are going on and requested the date in April, 2024 and he will produce the victim alongwith other witnesses on the next date, so the case was adjourned to 19.04.2024. The delay in recording statement of victim and her mother, as such is because of school examination of victim.

5. The allegations against the applicant/accused are serious in nature, as such this Court does not deem it fit to grant the concession of regular bail to the applicant/accused. The present regular bail application, having no merits, is hereby dismissed. The bail application file be attached with the challan.

Pronounced in open Court:
Dated :06.03.2024

Ravdeep Singh Hundal,
Additional Sessions Judge
Pathankot.UID/PB0162.

Bikram Chugh/JW