

**In the Court of Ajaib Singh
Additional Sessions Judge, Kapurthala
(UID No.PB0120)**

CNR No. PBKP010056752022



Case No. BA/2325/2022

Presented on : 16-11-2022

Registered on : 17-11-2022

Decided on : 25-11-2022

Pankaj @ Deepu, aged about 19 years, son of Gurnam Singh,
resident of village Murar, Sub Tehsil Murar, District Kapurthala.

.....Accused/applicant

Versus

State of Punjab

.....Respondent

FIR No.70 dated 30.05.2022
U/ Sections 363,366-A,346,120-B of IPC
Police Station: Subhanpur,
District Kapurthala

Application for bail under Section 439 Cr.P.C.

Present: Shri Darshan Singh, Advocate, for applicant/accused
Ms. Reena Rani, learned Addl. PP for State.

ORDER

The applicant, Pankaj @ Deepu, aged about 19 years, son of Gurnam Singh, resident of village Murar, Sub Tehsil Murar, District Kapurthala, the arrested accused in this criminal case, has filed the present application for grant of concession of bail under section 439 Cr.P.C in the present case.

2. The notice of the application for bail was issued to the State/also to complainant-victim. The learned Addl.PP for the State ,

Ajaib Singh, Additional Sessions Judge, Kapurthala UID No.PB0120

on receipt of the notice of the same has appeared to contest the same.

The record of present case requisitioned from the concerned learned court also has been received for the said purpose.

3. The arguments with regard to the application for bail under section 439 of Cr.P.C moved by the applicant/accused, on receiving the record of challan in this case, are heard and the record is perused and it is found that the main case of the prosecution as per statement of the complainant Bavy wife of Pappu resident of village Murar, District Kapurthala is that she is house maker, mother of four children and her elder daughter/victim XXXX (whose name has been withheld as per section 228A of IPC) aged about 17 ½ years born on 02.10.2004, was student of Senior Secondary School, Dayalpur, has two daughters aged about 16 years and 12 years and one son aged about 11 years younger to her. The elder daughter-victim of the complainant on 28.05.2022 at about 7:00 A.M. went to her school but Khushi friend of her daughter at about 10:30 A.M. telephonically informed her that her daughter/victim had not come to attend the school and her whereabouts were not known to her. The complainant was searching for her daughter/victim and in the meantime, she came to know that Pankaj Kumar son of Gurnam Singh, resident of village Murar was missing also from his house and then the complainant went to the house of Pankaj Kumar and enquired about him from his mother Raj Rani and Raj Rani told that Pankaj Kumar had enticed away her daughter/victim and they would meet the complainant only after performing

his marriage with her daughter/victim and she then while talking to complainant locked her house and then went away. The complainant party was of full belief that Pankaj Kumar in connivance with his mother Raj Rani had enticed away her daughter/victim on pretext to perform marriage with her. The complainant party kept on searching the daughter but to no away. Thereafter, the matter was reported by the complainant to the police in this regard and the FIR of the present case was registered and the investigation was initiated during the course of which, the statements of the witnesses were recorded and proof of date of birth of victim was taken into possession. The Victim was recovered on 03.06.2022 and thereafter was produced before the Medical Officer for her medical examination to which she initially refused but later on gotten herself medically examined and also gotten recorded her statement under section 164 Cr.PC before the learned Illaqa Magistrate, on the basis of which, co accused Manoj Kumar was nominated as accused vide DDR no.36 dated 07.06.2022 subsequently in this case and the offence under section 346 of IPC during the course of investigation was added. The co-accused Raj Rani and applicant/accused Pankaj Kumar @ Deepu were arrested on 03.06.2022 as per investigation. The challan, on completion of the investigation, was presented against the applicant/accused Pankaj Kumar @ Deepu and co accused Raj Rani before the court of learned Illaqa Magistrate and the same was committed for trial vide order dated 30.07.2022 and the is fixed for 03.12.2022 for remaining evidence fo the

prosecution against the applicant/accused and co-accused after examining PW 1 Victim on 04.11.2022 as per record of the case.

4. The main stand of the applicant/accused is that he is innocent, has not committed any alleged crime and has been falsely implicated in this case due to personal grudge in the village. The story of prosecution as per next stand of the applicant/accused, is totally false and baseless as PW1 Victim herself has admitted in her statement while in the court that the applicant/accused had never enticed her away on the false promise of marriage and stated that she had made the statement under section 164 of Cr.PC under the pressure of her parents and police and nothing as per next stand of the applicant/accused, is now to be recovered from the applicant/accused and the applicant/accused is in judicial custody since 04.06.2022, and ultimately prayer has been made for grant of regular bail, in terms of which, the record after hearing the arguments has been perused and it is found the challan against the co-accused Raj Rani and applicant/accused Pankaj @ Deepu arrested on 03.06.2022 has already been filed and is also pending for 03.12.2022 and as per case of the prosecution, the girl/victim is minor being born on 02.10.2004. The applicant/accused as per case of the prosecution, being arrested in this case on 03.06.2022, is in judicial custody since then and investigation qua applicant/accused is complete, but the perusal of record reveals that applicant/accused has been booked in this case for offences under section 363,366-A,346,120-B of IPC due to the active role played by her in the commission of crime and resulting of which, the said stand taken by the applicant/accused to the effect that the

applicant/accused has been falsely implicated in this case is also matter of evidence and is yet to be completed on the record and evidence of PW1 Victim is to be determined only on conclusion of remaining evidence of the prosecution on the record and resulting of which, the contention of the learned counsel of the applicant/accused is not found to be sustainable to the said effect, because the applicant/accused as per case of prosecution in connivance with the co accused has allegedly committed the grievous crime against a minor female child by kidnapping her and thereafter kept concealing her while the report of chemical examiner and DNA test report has not been received so far. The application bearing no.BA/1069/2022 for bail under section 438 of Cr.P.C moved by co-accused was dismissed on 03.08.2022. The application bearing no.BA/1146/2022 for bail under section 439 of Cr.P.C was dismissed on 03.08.2022. The alleged act of the applicant/accused is dangerous for the society and resulting of which, the application for bail under section 439 of Cr.P.C moved by the applicant/accused is dismissed even without commenting on merits of the case. The copy of this order be kept on the file of the case pending for trial against applicant/accused and the record of this court be put up on the date fixed. The record be consigned to record room (J) Kapurthala.

Pronounced in the open Court
Dt.25.11.2022
(Nirlep Kaur)

(Ajaib Singh)
Addl. Sessions Judge
Kapurthala
UID No.PB0120)

Ajaib Singh, Additional Sessions Judge, Kapurthala UID No.PB0120

CNR No. PBKP010056752022



Case No. BA/2325/2022

Presented on : 16-11-2022

Registered on : 17-11-2022

Decided on : 25-11-2022

Pankaj @ Deepu Vs. State

Present: Shri Darshan Singh, Advocate, for applicant/accused
Ms. Reena Rani, learned Addl. PP for State.

The arguments with regard to the application for bail under section 439 of Cr.PC moved by the applicant/accused are heard and the same vide separate detailed order of even date has been dismissed as stated there in the same. The file of application has also been ordered to be consigned to record room (J) Kapurthala.

Pronounced in the open Court
Dt.25.11.2022
(Nirlep Kaur)

(Ajaib Singh)
Addl. Sessions Judge
Kapurthala
(UID No.PB0120)

Ajaib Singh, Additional Sessions Judge, Kapurthala UID No.PB0120