

IN THE COURT OF SH.PREM KUMAR,ADDL. SESSIONS
JUDGE, GURDASPUR(UID No.PB0451)

Bail Application No. 161/2018
Date of Instn. : 09/07/2018
CIS No. BA/1763/2018
CNR No. PBGD01-004540-2018
Date of order : 17/07/2018

1.Sahib Singh aged about 42 years son of Sh.Tara Singh, resident of
village Sandhwan, Tehsil Batala.

2. Gurpreet Kaur aged about 35 years wife of Sahib Singh resident of
vill.Sandhwan, Tehsil Batala, District Gurdaspur.

..Applicants-accused

Versus

State of Punjab

..Respondent

FIR No.28 Dated 01/05/2018
U/Ss 376, 363, 366-A, 420, 120-B IPC and
U/S 4/8 of the Protection of Children From Sexual
Offences Act 2012.
Police Station Rangar Nangal

Ist Bail application U/s 438 Cr.P.C.

Present: Ms.Meena Mahajan, Advocate for applicants.
Sh.B.K.Sharma, Addl.P.P for State.

ORDER:

1. This order of mine shall dispose of bail
application moved under Section 438 Cr.P.C. by applicants-accused
Sahib Singh and Gurpreet Kaur in the above mentioned FIR.

2. Upon notice of this bail application, learned
Addl.P.P appeared on behalf of State and opposed the bail
application. Police record was also summoned.

3. The present FIR was registered on the statement
of complainant Gurmukh Singh to the effect that on 30/04/2018 his

minor daughter.....aged about 13/14 years who is student of 9th class was enticed away by Bachitter Singh son of Sahib Singh alias Saba on the allurement of marriage.

4. Learned counsel for applicants has argued that the applicants are innocent and have been falsely implicated in this case. He contended that the story mentioned in the FIR is totally false. He contended that the prosecutrix recorded her statement before Deputy Commissioner Gurdaspur in which she stated that her natural parents had died and Gurmukh Singh and Paramjit Kaur are her care taker and they want to marry her with someone without her permission, as such she took shelter in the hosue of Sahib Singh and prayed that the applicants be granted anticipatory bail.

5. On the other hand, learned Addl.P.P for State opposed the bail application on the ground of gravity of offence.

6. Heard.

Record perused. As per allegations, on 30/04/2018, the co-accused of applicants, namely Bachitter Singh enticed away minor daughter of complainant Gurmukh Singh on the allurement of marriage. As per allegations the applicants/accused impersonated as Bua and Fufa of prosecutrix before the Deputy Commissioner and she was sent to Nari Niketan. Thereafter her statement under section 164 Cr.PC was recorded. The offence under sections 376 IPC and under section 4/8 of Protection of Children From Sexual Offneces Act, 2012 have been added later on in this case. The investigation is still pending. Custodial interrogation of applicants/accused is required. Therefore, taking into consideration

all these facts and circumstances, and gravity of offence, I find that it is not a fit case where the applicants/accused Sahib Singh and Gurpreet Kaur should be granted concession of anticipatory bail. Hence, without commenting on the merits of this case, the present bail application filed by applicants/accused Sahib Singh and Gurpreet Kaur is dismissed. Anything said or observed in this order shall have no bearing effect on merits of the case. File be consigned to record room.

Pronounced in open Court:

Dt: 17/07/2018

Rajiv Sharma,
Stenographer-I

(Prem Kumar)

Addl.Sessions Judge,

Gurdaspur.(UID No.PB0451)

BA/1763/2018

Sahib Singh Vs State

Present: Ms.Meena Mahajan, Advocate for applicants.
Sh.B.K.Sharma, Addl.P.P for State.

The Ld.counsel for applicant has moved an application for adding offence under section 376 IPC submitting that during the pendency of this bail application the police has added offence under section 376 IPC in this case. Heard. Record perused. As per police record, the offence under section 376 IPC and under sections 4/8 of the Protection of Children From Sexual Offences Act 2012 have been added in the present case. As such, in the interest of justice the application is allowed and offence under section 376 IPC and under sections 4/8 of the Protection of Children From Sexual Offences Act 2012 are ordered to be added in the head note of bail application. Reader is directed to make necessary correction immediately. Police record perused. Arguments on bail application heard. Vide my separate order of even date present bail application has been dismissed. File be consigned to record room.

Pronounced in open Court:
Dt: 17/07/2018
Rajiv Sharma,
Stenographer-I

(Prem Kumar)
Addl.Sessions Judge,
Gurdaspur.(UID No.PB0451)