

**IN THE COURT OF SH. TARSEM MANGLA,
SESSIONS JUDGE, FAZILKA (UID No. PB0049).**

CIS NO. BA/1781/2020.

Date of Instt: 27.08.2020.

CNR No. PBFZC0-003586-2020.

DATE OF DECISION: **01.09.2020.**

Balwant Singh @ Gama aged 33 years son of Om Parkash resident of village Mohammad Peera P.S. Sadar, Fazilka.

-----Applicant/accused.

Versus

State of Punjab

-----Respondent

Application for bail u/s 439 Cr.P.C. in case FIR no. 224 dated 19.09.2019 under Sections 376, 363, 366-A IPC and Section 12 of POCSO Act, P.S. Sadar, Fazilka.

Present:- Sh. B.K. Sachdeva, Advocate counsel for applicant/accused.
Sh. Sanjiv Kochhar, Ld. Public Prosecutor for the State.

ORDER

This is a **second regular bail application** applied on behalf of applicant/accused Balwant Singh @ Gama under the aforesaid sections.

2. Upon notice, Shri Sanjiv Kochhar, Ld. Public Prosecutor appeared on behalf of State/respondent and contested the bail application.

After investigations, challan in this case has already been received and is pending for 23.09.2020 for evidence of the prosecution.

3. Heard. FIR in this case was got registered on 19.09.2019 by Prem Singh son of Jalla Singh by stating that his eldest daughter is 15 years of age and has studied upto 5th standard. About 4/5 months ago, Vijay Kumar son of Ram Chand joined him as a *Seeri* and started residing in a

nearby *dhani* along with his wife Reema Rani and the children. He is running a pig form and to take care of them, he had employed Balwant Singh @ Gama and Ram Singh @ Rama sons of Om Singh. Balwant Singh @ Gama is married but he has shunted out his wife. Whenever he had been crossing his *dhani*, he had been keeping a bad eye upon his aforesaid daughter. He intercepted him talking to his minor daughter 02 or 03 times, but being a neighbourer, he did not suspect his intentions. On 16.09.2019 after dinning, the entire family went to sleep, but at 4.00 am, he found his minor daughter missing and when they could not trace her out, he visited the house of Balwant Singh, but Balwant Singh was also missing. It was suspected by him that Balwant Singh might have enticed away his minor daughter.

After registration of the FIR, Balwant Singh was arrested on 21.01.2020 and the minor daughter of the complainant was recovered. During the course of investigations, date of birth of the minor victim was found as 26.08.2004, meaning thereby, that on 16.09.2019, she was a minor.

In the statement made by the minor victim to the police, it was stated by her that though Balwant Singh was a married person, but she developed friendship with him and once or twice, her father saw her talking to him and as such, her parents started suspecting her and they also started scolding her, due to which, she became tense and asked Balwant Singh to take her somewhere away from her house and although Balwant Singh was not prepared, but she made her agree and on 16.09.2019 at 5.00 am, she went to his house and Balwant Singh took her to railway station, from where they boarded a train for Ferozepur and ultimately they reached at Nepal Border, where they stayed in a temple, but on 24.09.2019, Sarpanch Mangal Singh and 2/3 more persons reached there and brought her back.

She further narrated that during her stay with Balwant Singh, she was not subjected to any sexual assault.

4. Learned counsel for the bail applicant submitted that the accused is in custody since 21.02.2020 for the past 07 months. Due to shut-down of the Courts, there is no early prospect of recording prosecution evidence. I also find that though it is a second regular bail application applied on behalf of the accused as the previous 1st regular bail application was dismissed on merits vide order dated 16.06.2020 passed by this Court, but as the matter is being delayed due to COVID-19 pandemic, as the Courts are not recording prosecution evidence, so keeping in view the said fact and also the fact that the minor prosecutrix was not apparently subjected to any penetrative sexual assault, hence, in these circumstances, as no useful purpose would be served by retaining the bail applicant in custody any more, hence he is ordered to be released on bail on his furnishing bail bonds in the sum of Rs. 25,000/- with one surety in the like amount, subject to all usual terms and conditions, to the satisfaction of Trial Court/Duty Officer. Application stands allowed and disposed off accordingly.

5. Bail application file be tagged with the remand papers/main challan.

Sd/-

Dated: 01.09.2020.

‘Bhola Shankar’

‘Stenographer Gr.I’

(Tarsem Mangla),
Sessions Judge,
Fazilka (UID No. PB0049)

BA 1781 of 2020 Balwant Singh versus State of Punjab
CNR No. PBFZC0003586-2020.

Present:- Sh. B.K. Sachdeva, Advocate counsel for
applicant/accused.
Sh. Sanjiv Kochhar, Ld. Public Prosecutor for the State.

Upon notice, Shri Sanjiv Kochhar, Ld. Public Prosecutor
appeared on behalf of State/respondent and contested the bail application.

Heard. Vide separate & detailed order of today, the present bail
application has been allowed. Bail application file be tagged with the main
challan.

Sd/-

Dated: 01.09.2020.

‘Bhola Shankar’
‘Stenographer Gr.I’

(Tarsem Mangla),
Sessions Judge,
Fazilka (UID No. PB0049)