

**IN THE COURT OF VIKRANT KUMAR,
ADDITIONAL SESSIONS JUDGE,
FAST TRACK SPECIAL COURT,
MOGA (UID No.PB00213).**

-.-.-

CNR No.PBMO010046252022

CIS Filing No.BA/1786/2022

Date of order : 16.08.2022.

State Versus

Gurwinder Singh @ Raju Star son of Chhinderpal Singh, resident of Ghaloti, Tehsil Dharamkot, District Moga.

----Applicant-accused

FIR No.126 dated 5.08.2021.

Under Sections : 363,366-A,376,506 IPC and 6 of POCSO Act.

Police Station : Kot Ise Khan.

Bail Application under Section 439 Cr.P.C.

Present :- Shri Sahib Singh, Additional Public Prosecutor for State.

Shri Gurmail Singh Bhullar, Advocate for applicant-accused

Gurwinder Singh @ Raju Star.

-.-.-

ORDER

1. The brief facts of the case, which require consideration for disposal of the present bail application are that present FIR was lodged on the basis of statement of Sukhpreet Kaur wife of Jagdeep Singh. It is alleged that she is having four children i.e. three daughters and a son, who is youngest to all. Her daughter/victim aged 14-1/2 years is studying in 10th class in Government Senior Secondary School, Ghaloti. Accused Gurwinder Singh used to chase/stalk her daughter/victim while she was going to school. She visited the house of the accused for complaining the said act. On 3.08.2021, her daughter/victim had gone to school at about 8.00 a.m., but she did not returned back, even after the school hours. When her daughter had not returned, they searched her and inquired from her classmate also. She has full belief that the accused had enticed her daughter on the pretext of marriage. On the basis of above said statement, FIR was registered under Sections 363,366-A IPC. On 11.08.2021, applicant-accused was arrested and victim was recovered from his possession. On the basis of statement of victim under Section 161 Cr.P.C., offence under Sections 376,506 IPC and 6 of POCSO Act were added. Thus, accused-applicant has filed present bail application.

2. I have heard learned counsel for the applicant-accused as well as learned Additional Public Prosecutor for the State.

3. From perusal of judicial file, it transpires that applicant-accused has been charge-sheeted on the allegations that on 3.08.2021, the accused had kidnapped minor girl/victim from lawful custody of her parents/guardian without their consent and induced her to go with him from the custody of her parents with intention that victim will be forced to illicit intercourse and committed rape on prosecutrix and committed criminal intimidation by threatening her with dire consequences and also committed penetrative sexual assault repeatedly on the minor victim. It is the apprehension of prosecution that if applicant-accused is released on bail, he may flee from the trial and try to influence the prosecution witnesses. Thus, applicant-accused being in custody, is not thus sole ground for considering merit of this bail application. Considering heinousness of offence and other attending circumstances, bail application is found being devoid of merit and stands dismissed. Papers be tagged with file bearing CIS No.SC/293/2021.

Pronounced.
Dated :- 16.08.2022.
Jagjit Singh Panesar, Stenographer-I

(Vikrant Kumar)
Additional Sessions Judge
Fast Track Special Court,
Moga (UID No.PB00213).