

**IN THE COURT OF SHRI BALWINDER KUMAR,
ADDITIONAL SESSIONS JUDGE, SANGRUR.**

BA No. 1804/26.06.2024.

CIS No. PBSG01005270-2024.

Order dated 06.07.2024.

Pending for 22.07.2024.

1. Gurwinder Kaur, aged about 35 years, wife of Amandeep Singh, resident of village Balran, Tehsil Monak, District Sangrur.

2. Labh Kaur, aged about 69 years, wife of Ramphal Singh, resident of village Balran, Tehsil Moonak District sangrur.

...Applicant/accused.

Versus

State of Punjab

DDR No. 32 dated 12.05.2024.

Under Sections 354, 323, 506, 148, 149 IPC.

Police Station: Moonak.

Application under Section 438 Cr.P.C.

Present: Shri S.S.Dhindsa Advocate, counsel for applicants/ accused.
Shri Navdeep Goyal, Additional Public Prosecutor for State.

ORDER:

1. Record received. Heard. It is mentioned in the instant bail application that applicant/accused is innocent and has not committed the alleged offence and has been falsely implicated in the present DDR by the police at the instance of Jaspreet Kaur complainant. It is further averred

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that police of P.S.Moonak is making unnecessarily harassment to applicants and her family members. It is further averred that applicants have apprehension in her mind that police of P.S.Moonak can arrest them at any time and police is raiding their house again and again. It is further averred that applicant no.1 Gurwinder Kaur was married with Amandeep Kaur and having two children namely Gurleen Kaur and Abhiman Singh. It is further averred that husband of applicant no.1 Amandeep singh is having illicit relation with Jaspreet Kaur from last 4/5 years and Jaspreet Kaur is neighbor of applicant no.1, when applicant no.1 knew about the illicit relation between her husband and Jaspreet Kaur and she tried to oppose the relation of Amandeep Singh and Jaspreet Kaur. It is further averred that due to opposing of applicant no.1, her husband Amandeep singh has bitten her . It is further averred that on 07.05.2024, applicant no.1 was sleeping in her bedroom, she found that her husband Amandeep Singh was not in the bedroom, she has seen him everywhere, but he would not found in the house. It is further averred that applicant no.1 told to her mother-in-law and father-in-law. It is further averred that applicants no.1 and 2 and father-in-law of applicant no.1 searched everywhere after that they reached their field, then they saw that Amandeep Singh and Jaspreet Kaur both sit on the cot in the passage of field. It is further averred that husband of applicant no.1 caught applicant no.1 from their arms and Jaspreet Kaur gave a blow of gandasi to the

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head of applicant no.1. It is further averred that after that applicant no.1 fell down on the earth and then Amandeep Singh gave a blow on her abdomen. It is further averred that when applicant no.2 raised a voice not to beat applicant no.1, then husband of applicant no.1 and Jaspreet Kaur fled away with their weapon from the spot after that brother-in-law of applicant no.1 got admitted her in Civil Hospital, Moonak after that applicant no.1 was referred to Civil Hospital, Sangrur. It is further averred that after recording statement of applicant no.1, police of P.S.Moonak, registered FIR No.45 dated 09.05.2024, under section 341, 324, 506, 34 IPC against husband of applicant no.1 and Jaspreet Kaur. It is further averred that after registration of FIR, Jaspreet Kaur made a concocted story and registered false DDR against applicants no. 1 and 2 and some other persons. It is further averred that now husband of applicant no.1 Amandeep Singh and Jaspreet Kaur are living together. It is further averred that applicants are ready to join the investigation of the present case as and when required by the police or as directed by this court. Hence, it is prayed that bail application may kindly be allowed.

2. Learned counsel for the applicants/accused while arguing in the lines of bail application contended that same may be allowed.

3. Conversely, learned Addl.P.P. for the State contended that there are serious allegations against the accused/applicants and therefore, bail application may be dismissed.

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4. After hearing rival submissions, it has transpired that instant case FIR was registered on the statement of one Jaspreet Kaur that on 08.05.2024 at about 5:00 A.M. she was going from her home to village Gurudwara Sahib and when she crossed house of Amandeep Singh, then one Grey colour car bearing registration No.HR-S-59B-7929 came, in which 3/4 persons came out and threw her in the car and took her in the field's motor and there some ladies were also present there and one Ramphal Singh put some intoxicant substance in the mouth of Jaspreet Kaur and she was taken to motor room and where Jasdeep Singh, Ramphal Singh, Karam Singh, Gurcharan Singh, Pritam Singh, Harpal Singh and Krishan Singh raped her and thereafter Labh Kaur (aplicant no.2) and Gurwinder Kaur (applicant no.1) and others hit her with kicks blows and also prepared video of the incident and then she was hospitalized. On recording this statement, police machinery swung into action and instant case FIR was registered.

5. It is pertinent to mention here that Gurwinder Kaur accused of the present case also made statement to police that on 07.05.2024 that they saw Amandeep Singh and Jaspreet Kaur together sitting on the cot and then Amandeep Singh husband of Gurwinder Kaur held complainant by her arm and Jaspreet Kaur complainant of present bail application hit Gurwinder Kaur with Gandasi.

6. In the present case today ASI Jiwan Lal Investigating

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Officer has come present and made statement regarding allegations of rape made by complainant that nothing is found and accordingly, no offence under section 376 IPC has been added in the present case. Both accused/applicants are ladies and against them offence under section 354 IPC is not made out and other offences are bailable and therefore under such circumstances, their custodial interrogation at this stage does not seem necessitated and therefore without commenting upon the merits of the case, accused/applicants are directed to join investigation on or before 22.07.2024 and in case of their appearance before the investigating officer/Arresting officer concerned to join the investigation in this case, the investigating officer/ Arresting officer of concerned shall release them on interim bail to his/her satisfaction, subject to the following conditions:-

- a) Applicants/accused shall make themselves available for interrogation by a police officer as and when required;
- (b) Applicants/accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (c) Applicants/accused shall not leave the country without prior permission of the Court.

7. A copy of this order be sent to the SHO, Police Station Moonak. Now to come up on 22.07.2024 for awaiting report of Investigating Officer.

**Pronounced in open Court
dated:06.07.2024**

**(Balwinder Kumar)
Additional Sessions Judge,
Sangrur. UID No. PB0160**

Mamta Threja, Stenographer.

(Balwinder Kumar)
Additional Sessions Judge,
Sangrur.

Present: Shri S.S.Dhindsa Advocate, counsel for applicants/ accused.
Shri Navdeep Goyal, Additional Public Prosecutor for State.

Today, ASI Jiwan Lal has come present and made statement that during investigation, nothing has been found against accused of the present case regarding offence under section 376 IPC, which has not been added in the present case.

Record received. Arguments Heard. Vide my separate detailed order of even date, accused/applicants are directed to join investigation on or before 22.07.2024, as stated therein. Now to come up on 22.07.2024 for awaiting report of Investigating Officer.

Pronounced in open Court
dated:06.07.2024

(Balwinder Kumar)
Additional Sessions Judge,
Sangrur. UID No. PB0160

Mamta Threja, Stenographer

(Balwinder Kumar)
Additional Sessions Judge,
Sangrur.