

IN THE COURT OF MRS. MANDEEP KAUR,
ADDL SESSIONS JUDGE,JALANDHAR.
UID NO (PB0120)

Case Type	BA	
Filing No.	6015/2019	Filing Date : 01.05.2019
Case No.	1809/2019	Registration Date: 01.05.2019
CNR No.	PBJL01-012306-2019	
Date of Order	10.05.2019	

Jarnail Singh, son of Gurmukh Singh, resident of Village Gathra,
Police Station Sadar, Nakodar, District Jalandhar.

-----Accused/applicant

Versus

State of Punjab

-----Respondent

FIR No.143 dated 14.08.2018,
U/s 63, 363, 366-A, 376 IPC & 3, 4
POCSO Act, Police Station Shahkot,
Jalandhar.

[First Application for Bail U/s 439 of Cr.P.C.]

Present: Shri S.K. Verma, counsel for accused/applicant.
Mrs. Meetu Sheanhmar, Addl.PP for the State.

ORDER:

1. The instant bail application has been filed under section 439 CrPC,
praying for grant of regular bail to the accused/applicant in case
FIR No.143 dated 14.08.2018, U/s 63, 363, 366-A, 376 IPC & 3, 4
POCSO Act, P.S. Shahkot, Jalandhar.
2. In brief, the case of the prosecution as setup in the police report is
that present FIR was registered on the basis of statement of
complainant Jagir Singh that Avtar Singh is his elder brother who
is Granthi at Gurudwara Sahib, Village Kagna Nakodar Shahkot
for last two years. His daughter Navneet Kaur is residing with his
elder brother Avtar Singh at village Kagna for last two years. She is

studying at Nakodar in 10+1 Class. Her date of birth is 20.08.2002.

On 11.08.2018 her daughter went to school at about 08:00 a.m., however, she did not return home. Jarnail Singh, who is Granthi at Sidhu Pati Gurudwara village Ladhra, took her daughter with him by misleading her and by giving false assurance of marriage to her. Said Jarnail Singh is a married man having two children, however, his daughter is aged about 16 years. He has requested that kindly take legal action against said Jarnail Singh and give her daughter back to him.

3. The case of the accused/applicant is that accused/applicant has been in custody since 30.08.2018. Only false and frivolous allegations are levelled in the present FIR. The complainant Jarnail Singh appeared before the Court during evidence as PW1 and deposed that no such complaint has been filed by him against the applicant nor applicant was involved in the crime, nor he know the present applicant. Even, victim also appeared before the Court and deposed that no rape has been committed by the applicant with her nor she identified the applicant. The applicant is performing the duty of Granthi in the Gurudwara and cannot even think of committing any such heinous crime. No useful purpose will be served by keeping the present applicant behind the bar. It has been prayed that accused/applicant be released on bail.

4. While, on the other hand, learned Addl.PP argued that accused/applicant has been facing the trial for the offence under section 363, 366-A, 376 IPC read with section 3, 4 of POCSO Act. The material witnesses are yet to be examined. The

accused/applicant, if released on bail, may interfere with the investigation or flee the trial. It has been prayed that bail application may be dismissed.

5. I have considered the rival submissions.
6. I have heard the rival contentions of both the parties. The crux of the case of the prosecution is that present applicant kidnapped the complainant and committed rape upon her. The applicant has taken a stand that complainant and victim turned hostile during trial, as such, he be admitted to bail.

The trial is pending before this Court and there is statements of prosecutrix recorded under Section 161 of Cr.P.C. and 164 of Cr.P.C. on record in which specific allegations have been leveled against the present applicant, which are serious in nature. After considering the rival submissions made by learned defence counsel and without expressing any opinion on the merits of the case, which may otherwise affect outcome of the trial, but looking to the facts available on record, I am not inclined to accept this bail application at this stage and accordingly, same is dismissed. File of bail application be tagged with the main case file.

**Pronounced in open Court
on 10th day of May, 2019.**

*Anoop Joshi**

**(Mandeep Kaur)
Additional Sessions Judge
Jalandhar [UID No.PB0120]**