

In the Court of Mrs. Jagdeep Kaur Virk, UID no.PB0152

Addl. Sessions Judge, Ludhiana

Bail Application No.524 dated 27.11.2018

CNR no.PBLD010265492018

CIS No.BA/17289/2018

Date of Order:19.12.2018

State

versus

Aarti,aged not mentioned, w/o Deepak, R/o H.No.138, St.No.2, Mauji
Colony, Shimlapuri, Ludhiana.

.....Applicant-accused

FIR No.309 dated 28.09.2018

u/ss 323,325,376,511,34 IPC

and section 3,4 POCSO Act

later on added section 302 IPC

Police Station Shimlapuri, Ludhiana.

Present: Sh.N.K.Aadia Advocate for applicant-accused.
Ms.Neelu Sharma,Special/Addl.PP for the State
along with SI Manjeet Kaur,no.6/LPCT.

ORDER

On 26.11.2018 applicant-accused filed bail application u/s
439 Cr.P.C. for seeking regular bail in FIR No.309 dated 28.09.2018,u/ss
323,325,376,511,34 IPC and section 3,4 POCSO Act,later on added
section 302 IPC Police Station Shimlapuri, Ludhiana.

2. On notice, Ld. Special/Addl.PP for State appeared and police
record is produced by SI Manjeet Kaur.

3. I have heard arguments of ld.counsel for applicant-accused
and Ld.Special/Addl.PP for the state and gone through the police record.

4. It is contended by the ld. counsel for the applicant-accused that the applicant-accused is innocent and has been falsely implicated. The applicant-accused was arrested on 28.09.2018 and is in judicial custody since then. Presentation of challan and conclusion of trial shall take considerable time. No useful purpose would be served by keeping the applicant-accused behind bars any longer. Besides the applicant-accused undertakes to appear in the court on each and every date of hearing and are ready to furnish the bail bonds and surety bonds to the satisfaction of this court.

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

6. FIR is registered on the statement dated 28.09.2018 of Jairaj son of Inderpal, R/o House no. 271, Street no. 9, Dr. Ambedkar Nagar, Model Town, Ludhiana . Complainant alleged that about 13 years ago his sister Aarti got married to Deepak son of Sarab Ram, r/o Street no. 1, Sant Nagar, Abohar. After marriage four children were born to her, out of which three died and only one daughter namely Pari survived who is aged about 07 years. His sister without taking divorce from her husband, started living with another person Amit Kumar @ Kaka son of Pala without performing marriage with him. Now from last about two months his sister along with Amit Kumar @ Kaka and Pari started residing in a rented house of owner Rajinder Singh at house no. 138, Street no. 2, Mauji Colony, near Baba Mukand Singh Senior Secondary School, Daba, Ludhiana. On 25.09.2018 his sister Aarti send her daughter Pari to school and his sister herself went for her work. Amit Kumar @ Kaka whose

having illicit relations with his sister was alone at home. When his niece Pari returned from school to home, then Amit Kumar @ Kaka closed the door from inside, gave beatings to Pari with sticks and attempted to commit wrong act with her, as a result of which Pari fell unconscious. The land owner telephonically called his sister. His sister tried to suppress the crime. Later on Pari was taken to hospital.

7. As per the investigation the victim Pari died in Oswal Hospital on 01.10.2018. Complainant in his statement to police specifically alleged that his sister in connivance with her husband committed the crime as victim Pari was hurdle in the illicit relations of his sister Aarti with accused Amit Kumar @ Kaka.

8. In view of the facts and circumstances mentioned above, serious nature of allegations, gravity of offence, without expression of opinion on merits, bail application is dismissed. Police record be returned. Copy of bail order be sent to SHO/In-charge of police station concerned through Naib Court. Bail application file be consigned to the record room.

Pronounced: 19.12.2018
Sandeep Singh, Steno-I

(Jagdeep Kaur Virk) UID No.PB0152
Addl. Sessions Judge, Ludhiana