

BA 1732 of 2021 Nachhattar Singh versus State of Punjab
CNR No. PBFZC0-005530-2021

Present:- Sh. Ashok Charaya Advocate, counsel for
applicant/accused.

Upon notice, Sh. Kesar Singh, Public Prosecutor put
appearance on behalf of respondent-State and contested the bail
application.

2. Heard. This is a regular bail application u/s 439 Cr.P.C.
applied on behalf of applicant/accused Nachhattar Singh in FIR no. 51
dated 05.05.2021 under sections 376, 450, 120-B IPC read with section 6
of POCSO Act registered at police station Sadar, Jalalabad.

3. After investigations, challan in this case has already been
received.

4. FIR in this case was got registered by a 15 years old unmarried
girl by stating that she was working at Kamboj Beauty Parlour at village
Chack Tahliwala, where Nachhattar Singh son of Nihal Singh with the help
of his Bhabi Veerpal Kaur entangled her and started physically exploiting
her for the past 7/8 months. About 25 days ago, when she was sleeping in
the courtyard of her house along with her mother, the said Nachhattar
Singh sneaked into her house and dragged her in the upper floor, where
again he raped her without her consent. Her *raula* attracted her mother,
upon which, Nachhattar Singh ran away. Out of fear, her mother did not
report the matter to the police, but subsequently she narrated her torture to
her mother, upon which, on 05.05.2021, she was got medico legally
examined from Civil Hospital, Jalalabad. Consequently, FIR under section
376, 120-B IPC read with section 6 POCSO Act was registered.
Subsequently in an enquiry conducted by D.S.P. Sub Division, Jalalabad,
Mona Kamboj wife of Sunil Kumar was declared innocent, while during

the course of investigations, Nachhattar Singh was arrested on 28.06.2021 and since then he is in custody.

From birth certificate issued by Registrar, Births & Deaths, date of birth of the minor girl was confirmed as 21.12.2006, meaning thereby, she was hardly 14½ years of age at the time of her alleged violation.

5. Learned counsel for the bail applicant submitted that there is a delay in lodging the FIR. Learned counsel submitted that had the victim girl been tortured, she might have confided her alleged torture to her mother, but a false story was concocted.

6. I have given a careful thought to these submissions. By all means, the victim child is a minor being hardly 14½ years of age. She was exploited with impunity when she started working at a beauty parlour. The audacity of the bail applicant can be measured from the fact that being not satisfied in exploiting her physically, he sneaked into her house during the night time to forcibly drag her upstairs so as to rape her. The facts and circumstances clearly make out an aggravated form of torture of a minor girl. It has rightly been feared that if enlarged on bail, the bail applicant may influence the prosecution witnesses and may hamper the ongoing trial. Keeping in view the gravity of the offence, I do not find it a fit case where benefit of regular bail could have been granted. Consequently, the present regular bail application is ordered to be dismissed.

7. Bail application file be tagged with the main challan.

Sd/-

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

Dated: 07.09.2021.

‘Bhola Shankar’
‘Stenographer Gr.I’

BA 1730 of 2021 Sunil Kumar Goklani versus Kamaldeep
CNR No. PBFZC0-005524-2021

Present:- Sh. G.S. Sandhu Advocate, counsel for
applicant/accused.

Upon notice, Shri Pradeep Kataria Advocate put appearance and filed his wakalatnama on behalf of the respondent/complainant.

2. Heard. This is an application u/s 438 Cr.P.C. seeking anticipatory bail applied on behalf of applicant/accused Sunil Kumar Goklani in a complaint case u/s 138 N.I. Act titled 'Kamaldeep versus Sunil Kumar Goklani'.

3. Heard. Summoned record perused. Its perusal transpires that at no stage of hearing, the accused/bail applicant put appearance before the Trial Magistrate and as such, had not breached any personal bonds or surety bonds.

4. Learned counsel for the bail applicant submitted that bail applicant is prepared to reach a compromise with the complainant as well. If it is so, the bail applicant is advised to approach the Trial Magistrate as well as the complainant to settle the *inter se* dispute.

5. Offence under Section 138 N. I. Act, where under the bail applicant was summoned, is bailable. In these circumstances, despite his declaration as a 'Proclaimed Person', the nature of the offence remains the same.

Consequently, the bail application having been applied in a bailable offence, being not maintainable, is dismissed.

6. However, the bail applicant is advised to put appearance before the Summoning Magistrate/Trial Magistrate/Duty Magistrate within 15 days from today and on his doing so, he shall be admitted to bail subject to his furnishing bail/surety bonds to his satisfaction by the learned Illaqa

Magistrate/Duty Magistrate/Trial Magistrate.

Bail application file be consigned to the Record Room,
Fazilka.

Sd/-

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

Dated: 07.09.2021.

‘Bhola Shankar’
‘Stenographer Gr.I’

BA 1729 of 2021 Ramandeep Singh @ Romi versus State of Punjab
CNR No. PBFZC0-005523-2021.

Present:- Sh. Lakhveer Singh Sidhu Advocate counsel for
applicant/accused.

Upon notice, Shri Kesar Singh, Public Prosecutor put appearance on behalf of the respondent/State and contested the bail application.

2. Heard. This is a pre-arrest bail application u/s 438 (1) Cr.P.C. applied on behalf of applicant/accused Ramandeep Singh @ Romi in FIR no. 06 dated 19.04.2021 under section 302 IPC registered at police station, GRP, Abohar.

3. As per the prosecution story, on 02.04.2021 dead body of a 25/26 years male person was found at Bahaw-wala railway station. After getting a postmortem conducted, it came to the notice that the said person was done to death, as the dead body was having grievous injuries. The unidentified dead body was cremated. However, subsequently on 18.05.2021 statement of Member Panchayat Pappu Singh was recorded, who stated that on the intervening night of 01/02.04.2021 while he was sleeping, at about 1.30/2.00 am, Nirpal Singh @ Nippi of his village knocked at his door, who told him that some unknown person had entered in the house of his brother-in-law Dilraj Singh and they had kept hold him. The said Nirpal Singh took him to the village Dharamshala, where a young man of 25/26 years of age was lying in a semi unconscious condition. Veiled injuries had been inflicted upon him. Bones of his right leg had been fractured and he was bleeding. Near the injured, Gurpreet Singh @ Preeti, Sukhpal Singh @ Neetu and their relative Lakhvir Singh @ Lakha had been standing. At that time, Gurpreet Singh @ Preeti was carrying a *kulhadi* (axe). On his asking, Gurpreet Singh @ Preeti confided in him that as the said person had intruded in the house of Dilraj Singh, hence out of anger, they had given him beatings. He tried to wake up the injured person,

but he could not speak. Member Panchayat Pappu Singh scolded all of them for causing grievous injuries to that person and also instructed them to carry him to the hospital. Subsequently, he came to know that instead of taking the instead to any hospital, the aforesaid Karamveer Singh @ Kaku, Shammy son of Bantu Singh and Ramandeep Singh @ Romy threw the injured near the railway lines, where he had died. Subsequently, the above said youngsters pressurized his co-villager Harbans Singh.

Similarly statement of Harbans Singh son of Thana Singh was also recorded, on the basis of which, Gurpreet Singh @ Preeti, Neetu @ Sukhpal Singh, Ramandeep Singh @ Romy, Karamveer Singh @ Kaku and Shammy Singh son of Bantu Singh were nominated in the present crime. As per the I.O., out of the total 07 accused, 05 accused (except bail applicant Nirpal Singh @ Nippi & Lakhvir Singh @ Lakha) were arrested on 09.07.2021 and since then they are in custody. Till date, identity of the dead person could not be established, though investigation in this regard is still going on.

4. Learned counsel for the bail applicant submitted that the complainant does not identify the bail applicant/accused. No weapon of offence was recovered from the bail applicant. Learned counsel submitted that there is an enormous delay in recording statement of Pappu Singh as the alleged incident occurred on 02.04.2021 while his statement was recorded on 18.05.2021.

Faced with the above said arguments, it was submitted by learned P.P. that it is a case of brutal murder. Involvement of the bail applicant has already come on record.

5. I have given a careful thought to these submissions. Mere fact that the bail applicant was not previously known to the deceased in itself does not reduce his offence. It is a clear case of brutal murder of a young man. It has rightly been submitted by learned P.P. that when the injured

was convalescing for life, no medical aid was provided and rather the present bail applicant and his other friends in order to erase the evidence threw the injured person near the railway lines, where the said unknown succumbed to the injuries. The facts and circumstances extricated above call for potent custodial interrogation of the bail applicant as well. As such, keeping in view the gravity of the offence alleged against the accused, I do not find it a fit case, where benefit of pre-arrest bail could have been granted. Consequently, the present pre-arrest bail application applied on behalf of bail applicant Ramandeep Singh @ Romi is ordered to be dismissed.

6. Bail application file be consigned to the Record Room, Fazilka.

Sd/-

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

Dated: 07.09.2021.

‘Bhola Shankar’
‘Stenographer Gr.I’

BA 1108 of 2021 Gurjeet Singh versus State of Punjab
CNR No. PBFZC0-004149-2021

Present:- Sh. Sarvan Singh Advocate, counsel for
applicant/accused.
Sh. Kesar Singh, P.P. for the State-respondent.

Heard. This is a regular bail application u/s 439 Cr.P.C. applied on behalf of applicant/accused Gurjeet Singh in FIR no. 240 dated 04.10.2019 under sections 363, 366-A, 376 IPC read with sections 3&4 POCSO Act registered at police station Sadar, Fazilka.

2. After investigations, challan in this case has already been presented and is pending for prosecution evidence. Vide order dated 26.02.2021, charges under sections 363, 366-A, 376 IPC read with sections 3&4 POCSO Act have since been settled.

3. This case involves kidnapping and alleged rape of a 17 years 09 months old unmarried girl. Unfortunately when examined to support the above said charges, neither complainant Veero Bai nor the victim girl nor her brother Balkar Singh have supported the cause of the prosecution and have turned hostile. The accused is in custody since 17.08.2020 for the past more than one year. In these circumstances, as fate of the trial is quite apparent and has no useful purpose would be served by retaining the accused in custody, hence the present regular bail application is allowed and the applicant/accused Gurjeet Singh 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 usual terms and conditions and to the satisfaction of Trial Court/Duty Officer.

4. Bail application file be tagged with the main challan.

Sd/-

(Tarsem Mangla),
Sessions Judge,

Dated: 07.09.2021.

‘Bhola Shankar’
‘Stenographer Gr.I’

Fazilka (UID No. PB0049)