

PBGD010036752021



Presented on : 01-06-2021

Registered on : 01-06-2021

Decided on : 08.06.2021

**IN THE COURT OF SH. AJIT PAL SINGH
ADDITIONAL SESSIONS JUDGE, GURDASPUR.**

Unique Identification Code No. (PB0226)

Bail Application No. 234 dated 01.06.2021

Date of Decision: 08.06.2021

CIS no. BA-1731-2021

FIR No. 12 dated 15.01.2021

U/S 363/366/376 IPC

P.S. Civil Lines Batala

Sukha son of Mangat Ram resident of Mohalla Daulla Nangal, Batala,
District Gurdaspur.

---Accused/applicant

Versus

State of Punjab.

2nd bail application under Section 439 Cr.P.C.

Present: Shri Pankaj Kumar, Adv., counsel for accused-
applicant through whatsapp call.
Shri Kiran Kumar, Addl.P.P for the State.

ORDER

1. This is an application seeking bail under Section 439 of
Code of Criminal Procedure moved on behalf of above said
accused/applicant Sukha in the aforementioned FIR.

2. Notice of bail application was given to State. The learned
APP for the State has put in appearance. Record has been perused.

3. In brief, prosecution story is that present case was registered on the statement of Mangal Singh to the effect that he has six children, out of which, two are sons and four are daughters. The elder daughter/prosecutrix is aged 19 years. On 13.01.2021 at about 6:30 PM when he and his family members were present in the house and his daughter/prosecutrix was working in the kitchen and when he came out of room, then he found that his daughter/prosecutrix was not present in the house and the main outer gate of their house was lying open. Some unknown person took his daughter with him. They were searching his daughter at their own level, but she could not be found/traced and nothing came to know about her whereabouts and accordingly, on his statement present FIR was registered.

4. I have heard the learned counsel for accused-applicant, learned Additional PP for the State and have also perused the record very minutely with their able assistance.

5. Learned counsel for accused-applicant has argued that no offence is made out against the accused-applicant. It has been further contended that prosecutrix was recovered on 25.01.2021 and she was not medico legally examined and she remained two days at her house and refused to get conducted her examination in the Civil Hospital. It has been further submitted that statement of prosecutrix under Section 164 Cr.PC was not recorded on the same day and she was taken to the learned Illaqa Magistrate on 28.01.2021 after three days of alleged recovery for

recording her statement and being tutored by her parents. Finally he prayed for grant of anticipatory bail.

6. On the other hand, learned Additional PP for the State vehemently opposed the contentions raised on behalf of the present accused-applicant and argued that serious allegations have been leveled against the present accused/applicant. He further argued that if bail is granted to him, he might misuse the same and might try to hamper the process of investigation and tamper with the prosecution evidence and as such, he does not deserve the leniency of the court in grant of relief of regular bail and finally he prayed for dismissal of the bail application.

7. From the perusal of record and after hearing rival contentions of both the parties, this court is of the considered view that no doubt accused/applicant is in judicial custody since 26.01.2021, but specific allegations of kidnapping the prosecutrix from the lawful custody of her father and violating her person against her wish have been levelled against accused/applicant. Even in her statement recorded under Section 164 Cr.PC, the prosecutrix raised specific allegations against the present accused-applicant. Though challan has been presented, but there is every likelihood that in case accused/applicant is granted bail, he might try to influence the prosecution witnesses and also might try to hamper the proceedings of the trial in one way or the other. Furthermore, earlier bail application of the accused-applicant had already been declined by

learned predecessor of this court vide order dated 18.05.2021 and no new ground has been put forth in this bail application. So, without further delving into the merits of the case, the court is of the opinion that at this stage, no ground is made out to allow the present bail application. Consequently, the bail application is dismissed.

8. Although this application is being dismissed, it is made clear that none of the observations made by this court would ever influence the decision of the court on merits of the case. Record of learned trial court be returned forthwith alongwith copy of this order. File of bail application be consigned to record room.

Date of Order : 08.06.2021

Dilbag Singh, Stenographer-II

(Ajit Pal Singh)

Additional Sessions Judge
Gurdaspur/UID No. PB0226