

State Vs. Mohamad Faizan

Present : Mr. Mahesh Kataria, counsel for the applicant.
Mr. J.S. Gill, Addl. PP for the state.

The instant application has been moved at the behest of accused/applicant Muhammad Faizan, for extending him relief of bail under section 167 (ii) of Cr.P.C., as he was arrested on 27.2.2020 and the police of P.S. Canal Colony, Bathinda, has failed to furnish challan within the stipulated period, in this case bearing FIR no. 27 dated 4.2.2020, registered U/s 363/366-A IPC & Sec. 376-A & B IPC and Sec. 6 of POCSO Act.

As per the prosecution case, this case was registered on the basis of statement of complainant Afsana Khatoon recorded on 6.2.2020 to the effect that on 4.2.2020 the accused/applicant, brother-in-law of her sister, who was residing in their house, after the death of her husband, enticed away her daughter/prosecutrix. The accused/applicant was arrested in this case on 13.2.2020 and since then, he is in custody.

A perusal of the record goes to reveal that challan in this case was presented before the learned Area Magistrate (Duty) on 14.5.2020, who finding offence punishable U/s 6 of POCSO Act relating to Special Court, ordered to put up the file before learned Special Court on 18.5.2020. The challan was received by learned Judge Special Court (Duty) on 18.5.2020. However, the present application U/s 167 (ii) Cr.P.C. was moved on 30.6.2020 i.e. after elapse of more than one month of presentation of challan in this case. As such, the instant bail application is not maintainable and the same is, hereby, dismissed. Papers be attached with the main trial file.

Date of Order: 06.07.2020
Suraj Mohan SG-II.

(Kiran Bala)
ASJ/JSC, BTI
UID: PB0147