

**IN THE COURT OF SH. TARSEM MANGLA,
SESSIONS JUDGE, FAZILKA (UID No. PB0049).**

CIS NO. BA/1740/2020.

Date of Instt: 20.08.2020.

CNR No. PBFZC0-003493-2020.

DATE OF DECISION: **25.08.2020.**

Pardish @ Pratish Kumar aged about 19 years son of Ram Chander resident of Gunnianwala Mohalla, Near Water Works, village Chautala, Tehsil Dabwali District Sirsa (Haryana).

-----Applicant/accused.

Versus

State of Punjab

-----Respondent

Application for bail u/s 439 Cr.P.C. in case FIR no. 94 dated 17.06.2020 under Sections 363, 366-A, 120-B IPC, P.S. Baharwala.

Present:- Sh. Karan Maini, Advocate counsel for applicant/accused.
Sh. Sanjiv Kochhar, Ld. Public Prosecutor for the State.

ORDER

This is an application seeking regular bail applied on behalf of applicant/accused Pardish @ Pratish Kumar under the aforesaid sections.

2. Upon notice, Shri Sanjiv Kochhar, Ld. Public Prosecutor appeared on behalf of State/respondent and contested the bail application.

After investigations, challan in this case has already been presented, perusal of which makes out that on the basis of further investigation, offence under Sections 376, 120-B IPC read with Section 4 of POCSO Act have since been enhanced. At the oral request of counsel for the bail applicant, the said offences are allowed to be added in the caption of the bail application with red ink.

3. Heard. FIR in this case was got registered on on 17.06.2020

by Balwant Ram alleging that about 18 years ago, he solemnized marriage with Manju Rani d/o Pirthi Ram and produced three children, but her wife developed illicit relations with Pawan Kumar son of Bhagirath and her wife wanted to marry the said Pawan Kumar. One of his daughter is 13 years of age. On 16.06.2020 when he left for work, his wife Manju Rani took his aforesaid minor daughter on the pretext of fetching some medicine, but when she did not return, he started searching for her and came to know that his wife Manju Rani had taken his daughter to bus stand, Kullar, where she met Pawan Kumar, who loaded both Manju Rani and his minor daughter upon his motor cycle and took them to Chautala Jandwala Bishnoia (Haryana). He further came to know that under a conspiracy, Pawan Kumar met his Bhanja Pardeep Kumar and wanted to marry off his minor daughter with Pardeep Kumar.

On the basis of said complaint, initially FIR under Sections 363, 366-A read with Section 120-B IPC was registered. Subsequently on 18.06.2020, the minor daughter of the complainant was recovered. In her statement made to the I.O. u/s 161 Cr.P.C., the victim girl narrated that her mother was maintaining relations with Pawan Kumar, due to which, Pawan Kumar had been visiting her house. About one month ago, her mother dispatched her with Pawan Kumar and Pawan Kumar after taking her to village Sita Gunno started touching her inappropriately and when she started weeping, Pawan Kumar left her home. She narrated that incident with her mother, but instead her mother started scolding her and asked her not to discuss this matter with anybody. She further stated that on 16.06.2020, her mother again took her to village Rampura, where Pawan Kumar had been waiting, who took both of them to Pardeesh Kumar and after leaving her mother there, Pawan Kumar further took her to village Chautala (Haryana) and after leaving with Pardeesh Kumar, Pawan Kumar

left the said village. In the evening, she was taken to a motor room, where Pawan Kumar forced himself upon her and on the next day on 17.06.2020, Pawan Kumar took her to his Bhua's house at village Prempura (Rajasthan) and subsequently, she was reached her village.

4. Learned Public Prosecutor made it clear that Pardeesh Kumar @ Pardeep Kumar being a Bhua's son of principal accused Pawan Kumar facilitated the crime by letting Pawan Kumar stay at his house, but unfortunately, Pawan Kumar has since died, due to which, criminal proceedings against him stands abated. However, Manju Rani as well has since been arrested. Date of birth of the minor victim was found as 23.06.2007, meaning thereby that on 16.06.2020, she was hardly 13 years of age when she was violated.

5. Learned counsel for the bail applicant submitted that the FIR is unconceivable as Manju Rani is the real mother of the so-called victim girl. Learned counsel explained that Pawan Kumar has not died a natural death, rather he committed suicide, when he learnt about these false allegations being levelled against him.

6. I have given a careful thought to these submissions. Perusal of the proceedings make out that since 19.06.2020 i.e. for the past more than two months, the present accused is in custody. From the above narrated circumstances, it does not appear as if further custody of the present bail applicant would serve any purpose, especially when due to COVID-19 pandemic, the Courts are not recording the evidence. Under these circumstances, as no useful purpose would be served by retaining the bail applicant in custody, hence he 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 all usual terms and conditions, to the satisfaction of

Trial Court/Duty Officer. Application stands allowed and disposed off accordingly.

7. Bail application file be tagged with the remand papers/main challan.

Sd/-

Dated: 25.08.2020.

‘Bhola Shankar’

‘Stenographer Gr.I’

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

BA 1740 of 2020 Pardish @ Pratish Kumar versus State of Punjab

CNR No. PBFZC0003493-2020.

Present:- Sh. Karan Maini, Advocate counsel for
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Sh. Sanjiv Kochhar, Ld. Public Prosecutor for the State.

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of POCSO Act have since been enhanced. At the oral request of counsel for
the bail applicant, the said offences are allowed to be added in the caption
of the bail application with red ink.

Heard. Vide separate & detailed order of today, the present bail
application has been allowed. Bail application file be tagged with the
remand papers/main challan.

Sd/-

Dated: 25.08.2020.

‘Bhola Shankar’
‘Stenographer Gr.I’

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