

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

Addl. Sessions Judge, Ludhiana

Bail Application No.530 dated 01.12.2018

CNR no.PBLD010271122018

CIS No. BA/17491/2018

Date of Order:04.12.2018

State

versus

Raju Singh @ Parmatma aged about 23 years son of Shiv Kumar Singh,
r/o village Saraun, PS Shiswan, Distt. Shiswan, Bihar at present tenant at
St.no.4, Maya Shop Wali Gali, Shimlapuri, Ludhiana.

.....Accused/applicant

FIR No.0024 dated 13.02.2017

under Sections 363,366-A,376 IPC

and section 8 POCSO Act,

PS Model Town, Ludhiana.

Present: Sh.Sunil Dutt, Advocate for applicant-accused.

Sh.B.D.Gupta,Special/Addl.PP for the State.

ORDER

On 01.12.2018 accused-applicant Raju Singh @ Parmatma
filed bail application under Section 439 Cr.P.C. for seeking regular bail in
FIR No.0024 dated 13.02.2017, under Section 363,366-A,376 IPC and
section 8 POCSO Act, PS Model Town, Ludhiana.

2. On notice, Id.Special/Addl.PP for State appeared and main
file pending before this court titled as State Vs Raju Singh @ Parmatma,
bearing CNR no.PBLD010126282018, CIS SC/334/2017 is put up.

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

4. It is contended by the ld.counsel for the applicant-accused that the applicant-accused is innocent and has been falsely implicated. In fact, parties have effected written compromise dated 10.10.2018 copy of which is placed on the bail application. Complainant and the victim are ready to make statement in favour of the applicant-accused and they have no objection if FIR is canceled/quashed and the applicant is released on bail. The applicant-accused was arrested on 14.02.2017 and is in judicial custody since his arrest. 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 is 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. As per the record accused was charge sheeted vide order dated 29.07.2017 for the offence under section 363, 366-A IPC and section 4 POCSO Act 2012 in alternative u/s 376 IPC. Prosecution has examined PW1 prosecutrix d/o Lal Chand, PW2 Lal Chand, PW3 Urmila wife of Lal Chand, PW4 Kuldeep Singh Surveyor, PW5 Dr. Anu Priya, PW6 ASI Avtar Singh. The testimony of the prosecution witnesses is to be appreciated at the final stage of trial. The offences for which accused has been charge sheeted are non-compoundable in nature, thus, the alleged

written compromise allegedly executed between the parties is not acceptable.

7. 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. Bail application file be attached with the main file.

Pronounced: 04.12.2018
Sonia Gupta, Steno-II

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