

PBGD010004102025



Presented on : 15-01-2025

Registered on : 15-01-2025

Decided on : 17.01.2025

**IN THE COURT OF MS. BALJINDER SIDHU, ADDITIONAL
SESSIONS JUDGE, FAST TRACK SPECIAL COURT,
GURDASPUR**

UNIQUE IDENTIFICATION CODE NO. PB0100

Date of Institution: 15.01.2025

Date of Decision: 17.01.2025

CIS no. BA-171-2025

FIR No. 0020 dated 15.04.2024

U/S 354/506 IPC and U/S 8 of

POCSO Act

P.S. Kahnuwan

Robin @ Babbar son of Kala Masih resident of village Rura Buttar, Tehsil
and District Gurdaspur.

---Accused/applicant

Versus

State of Punjab

First bail application under Section 482 of BNSS

Present: Sh. R.K. Sharma Adv., counsel for accused-applicant.
Shri Hardeep Kumar, Addl.P.P for the State.

ORDER

1. This order of mine shall dispose off bail application under
Section 482 of Bharatiya Nagarik Suraksha Sanhita moved on behalf of
above said accused/applicant.

2. Notice of bail application was given to State and learned APP
for the State had put in appearance and contested the bail application.

3. In brief, the facts of the present case are that the present case
was registered on the statement of complainant to the effect that she has
four children, two daughters and two sons and the age of her one daughter

is 10 years, who is studying in 6th grade Government Adrash school of village Kot Dhandal. The complainant further stated that on 11.04.2024 she alongwith her three children went to Shri Anadpur Sahib, while victim was alone in the house. On 13.04.2024, when complainant returned home, her daughter/prosecutrix disclosed that on 11.04.2024 her father went to village Rajubele for some work and at about 09:30 PM she alongwith daughter of her maternal aunt aged about 4 years went to take milk bottle from the house, but as the door of the house was locked, hence they went to the house of her maternal aunt, but the keys of the house were fell down somewhere. The prosecutrix further disclosed that when she went to trace out the keys, on the way Robin @ Babar told that the keys of her house were with him and he threw it infront of the Church and when the prosecutrix went to carry the keys, Robin gagged her mouth and forcibly took her behind the Church and started kissing her and he also kissed her breast and started touching her private part. The prosecutrix raised hue and cry and Robin fled away from the spot and threatened her that not to disclose any one otherwise he would kill her.

4. I have heard the counsel for accused-applicant, Additional PP for the State and have also perused the record minutely.

5. The counsel for the applicant/accused argued that accused-applicant is innocent and falsely implicated in the present case and he has not committed any offence as alleged. The counsel for accused-applicant further argued that complainant had executed an affidavit that the present

case has been wrongly registered. It has further been submitted that there is unexplained delay of four days in lodging the FIR and prayed for granting him anticipatory bail.

6. On the other hand, learned APP had strongly opposed the grant of bail to the accused-applicant on the ground that accused-applicant had committed serious offence of outraging the modesty of minor prosecutrix stated to be of 10 years age and student of 6th grade and as such accused/applicant is not entitled for the grant of relief of bail and prayed for dismissal.

7. After hearing both the counsels, this court is of the considered opinion that there is specific allegations have been leveled by the complainant against accused/applicant of doing obscene activities with the minor prosecutrix aged about 10 years and student of 6th grade. As such, keeping in view the gravity of offence involved, the court is of the considered opinion that in case, accused/applicant is granted concession of bail, he might attempt to hamper the process of the investigation and influence the prosecution witnesses in one way or the other. Accordingly, the bail application of accused-applicant stands dismissed. Papers of bail application be consigned to record room.

Date of Order: 17.01.2025
Dilbag Singh Steno-II

(Baljinder Sidhu)
Additional Sessions Judge
Fast Track Special Court
Gurdaspur/UID no. PB0100