

In the Court of Smt. Rajni Chhokra, Additional Sessions Judge, Fast Track
Court, (exclusively to deal with rape cases), Ferozepur.
UID No. PB0168.

PBFZ010032392020



BA/1709/2020

CIS No.BA/1709/2020.
CNR No.PBFZ010032392020.
Date of Order: 13.08.2020.

State.
Versus

Gora Singh alias Gurpreet Singh son of Puran Singh resident of Village
Beer Talab, Basti No.2, PS Sadar Bathinda, Tehsil and District Bathinda.
....Applicants/ accused

FIR No.67 dated 24.07.2018.
PS Mallanwala .
Under Sections 365/376/506 of IPC and Sections 3 and 4 of POCSO Act.

Bail application under Section 439 of Cr.P.C.

Present ; Sh. PS Rai, Advocate counsel for applicant/accused.
Sh. Balwinder Singh, Additional PP for the State.
(Both through VC Link)

ORDER

The present bail application has been presented before the
Court of the undersigned being Duty Judge.

2. The applicant/accused has filed the present bail application in above
noted case, through his counsel for grant him regular bail being urgent in
nature.

3. It is averred in the bail application by applicant/accused that
applicant/accused has been falsely implicated in the above noted case.
There is an unexplained delay of 8 months and 16 days in lodging the FIR
as alleged occurrence took place on 08.11.2017 and the present FIR was
registered on 24.07.2018 which itself falsify the prosecution story. It is
further averred that On 08.11.2017 at about 08.00 a.m

complainant/prosecutrix, was going to the school for study and there was fog. On the way, Amarjeet Singh non applicant forcibly took her to Bathinda, where applicant/accused Gora Singh was present. There, non applicant Amarjeet Singh committed rape upon her without her consent and on the same day, applicant/accused Gora Singh took her to his house, where in the night, he committed rape upon her and he also extended threats to her and she reported the matter to the police and thereafter on 09.11.2017 the parents took her and thereafter on 24.07.2018, firstly the matter was reported to the police and then the present FIR was registered against accused. On the other hand, the another complaint was moved by complainant and the version of said facts is not corroborated with the ocular version. The story put forth by the complainant is highly improbable as alleged occurrence took place on 08.11.2017 and her medico legal examination was conducted on 19.11.2018 i.e. after a period of one year and no such medical examination of prosecutrix was conducted. It is further averred that on application of mother of victim, enquiry was conducted by ASI Angrej Singh of PS Mallanwala and applicant/accused was found innocent by the police and application was found to be false and similar was the result of the enquiry conducted by DSP Zira as there was a civil dispute pending between Darshan Singh and Gurdeep Singh and complainant wants to grab the land from Gurdeep Singh etc. The statement under Section 164 of Cr.P.C., was firstly recorded on 29.11.2018. It is further averred that applicant/accused is in judicial custody and no useful purpose will be served if he will remain behind the bar. The challan has not been presented before the Hon'ble Court and trial is likely to take a very long time to conclude the same. Hence, the present bail application.

4. Upon notice Sh. Balwinder Singh, Additional PP has appeared on behalf of the State-respondent and contested bail application. Police record was summoned and perused.

5. Learned counsels for applicant/accused has contended as per the lines as mentioned in the bail application. They further contended that the applicant/accused is in custody since long and he is no more required for further custodial interrogation and he will not misuse the concessions of the bail, if so granted by the Court. It was prayed that application be allowed.

6. On other hand, learned Additional PP for the State has argued that serious allegations are levelled against the applicant/accused. It was prayed that application be dismissed.

7. This Court has heard counsels for the applicant/accused, learned Additional PP for the State and have gone through the record on file.

8. Perusal of the file/record, it has been revealed that the present case has been registered against the applicant/accused on the basis of statement of complainant/minor prosecutrix recorded on 24.07.2018 in which she has levelled allegations against one Amarjit Singh non applicant as well as applicant/accused that they had committed rape upon her. Even in her statement under Section 164 of Cr.P.C, she has clearly stated this fact. Grave and serious allegations have been levelled against applicant/accused for committing rape upon her.

9. So, taking into consideration, the facts and circumstances of the case, and without commenting on the merits of the case, this Court is of the considered opinion that as there are grave and serious allegations have been levelled against applicant/accused it is not the fit case to grant bail to applicant/accused. So, the bail application of applicant/accused is hereby dismissed and disposed of accordingly. File be sent to the Court of Learned Sessions Judge, Ferozepur for the purpose of its entrustment and disposal.

Pronounced in the Open Court.

Dated: 13.08.2020.

Dalip Goyal, Stenographer Grade-II.

Direct Dictation.

(Rajni Chhokra)

Additional Sessions Judge,

Fast Track Court Ferozepur.

Exclusively to deal with Rape

Cases, UID No.PB-0168 (Duty).