In the Court of Ms. Neelam Arora, Addl. Sessions Judge Hoshiarpur
UID No. PB0091

B.A : CIS No. 1684 of 13.08.2020
CNR No. PBHO0100 4096 2020
Date of order: 19.08.2020

Rakesh Kumar aged 30 years s/o Tara Ram r/o village Marule, P.S. Chabbewal, Distt. Hoshiarpur.

Applicant/accused

Versus

State of Punjab

Respondent

FIR No. 46 dated 18.04.2020
U/s 376, 506 IPC, 1860
Police Station: Chabbewal, District Hoshiarpur.

Second Application for regular bail

Present: Shri B.L.Anmol, Adv. for applicant/accused
Shri Gurpreet Singh, Addl. PP for the State.

O R D E R

1. This order of mine shall dispose off second application moved by applicant/accused, seeking regular bail in instant case.

2. Notice of bail application was given to the State through learned Addl. PP for the State.

3. The learned counsel for applicant/accused has argued that complainant got married to three different persons and then finally went back to her second husband Paramjit Singh leaving behind third husband (applicant/accused). Later Paramjit Singh did not accept her, so, she came to Rakesh Kumar. He also referred to the copy of Talaknama/Agreement with said Paramjit Singh and also he submitted that compromise was effected between prosecutrix and applicant/accused on 30.06.2019 before the Gram

Panchayat of Block Mahilpur. Also he took this court to the copy of compromise with the mother of applicant/accused and prosecutrix effected on 22.07.2019. Further he submitted that prosecutrix also gave in writing to SHO of P.S. Chabbewal and compromise has been effected between her and applicant/accused. Even Challan has been presented now. Copies of compromise are placed on record by Sh.B.L.Anmol Adv., counsel for applicant/accused. Also he relied upon the citations titled as Bikramjit Singh and another Vs. State of Punjab, 2010(4) R.C.R.(Criminal) 107; Akshay Manoj Jaisinghani Vs. The State of Maharashtra 2017(1) R.C.R.(Criminal) 715 and submitted that no offence is made out against applicant/accused and that applicant/accused may be released on bail.

4. On the other hand, the learned Addl. PP for the State has resisted the bail application as there are serious allegations against applicant/accused. Also he pointed out that the first bail application of applicant/accused has been dismissed by the court of Sh. K.S. Cheema, Ld. Addl. Sessions Judge, Hoshiarpur vide order dated 19.05.2020. He submitted that no new ground is made out to grant concession of regular bail to applicant/accused and prayed for dismissal of the bail application.

5. I have heard the learned counsel for applicant/accused, the learned Addl. PP for the State and have gone through the record carefully. As per allegations, about four years ago complainant/prosecutrix was married to Paramjit Singh Sahota, who was drug addict and used to quarrel with her. Thus, in the year 2019, she took Panchayti divorce with him. Thereafter, she came in contact with Rakesh Kumar, who took her to village Marule by inducing on the pretext of getting marriage with her. But he did not perform

marriage with her and on her asking he used to threaten her. The said Rakesh Kumar used to commit rape with her against her wishes. Finally he refused to perform marriage with her. The allegations against applicant/accused are serious in nature. Evidence is yet to be conducted. Perusal of record further shows that earlier bail application of applicant/accused, has already been dismissed by the Court of Sh.K.S. Cheema, Ld. Addl. Sessions Judge, Hoshiarpur, vide order dated 19.05.2020. At this stage, no fresh ground is made out to grant concession of regular bail to applicant/accused, when his bail application has already been dismissed vide order dated 19.05.2020 aforesaid. Citations relied upon by the counsel for applicant/accused are not applicable to the facts and circumstances of the present case. As far as arguments of counsel for applicant/accused regarding compromise are concerned, the offence is non-compoundable in nature. In these circumstances, this court is not inclined to allow this second bail application of applicant/accused. Hence, application in hand is dismissed. Papers be attached with the main case file.

Announced
19.08.2020
rupesh

(Neelam Arora)
Addl. Sessions Judge
Hoshiarpur
UID No. PB0091

Rakesh Kumar vs State CIS No. 1684 of 13.08.2020
CNR No. PBHO0100 4096 2020

Present: Shri B.L.Anmol, Adv. for applicant/accused
Shri Gurpreet Singh, Addl. PP for the State.

Record produced. Arguments heard. Vide my separate detailed order of even date, bail application filed by the applicant/accused has been dismissed as stated therein. Papers be attached with the main case file.

Announced
19.08.2020
rupesh

(Neelam Arora)
Addl. Sessions Judge
Hoshiarpur
UID No. PB0091