

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

PBFZ010032072020



BA/1683/2020

CIS No.BA/1683/2020.
CNR No.PBFZ010032072020.
Date of Order: 14.08.2020.

State.
Versus

Mandeep Kaur aged 34 years wife of Kamaldeep Singh r/o Village
Loombri Wala alias Dastool Sahib, Tehsil and District Ferozepur.
....Applicants/ accused

FIR No.216 dated 22.07.2020.

PS City Ferozepur.

Under Sections 457/380/511 of IPC and lateron Sections
307/511/148/149 of IPC have been added vide rapat No.18 dated
27.07.2020.

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

Present ; Sh. Taranjit Singh Sulhani, 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 her counsel for grant her regular bail being urgent in
nature.

3. It is averred in the bail application by applicants/accused that she
has been falsely implicated in the above noted FIR and she is in judicial
custody since long. Applicant/accused was taken from her house forcibly
by the police of PS City Ferozepur and police has planted the above noted

false case against her. Complainant is employed in Police Department as Sub Inspector and police of PS City Ferozepur are helping him in order to harass applicant and others (non applicants). There is delay of three days in lodging the FIR and no specific role has been attributed to applicant/accused but she has been falsely implicated in the above noted FIR. It is further averred that nothing is to be recovered from applicant and custodial interrogation of applicant/accused is not required. Presentation of challan and conclusion of trial will take considerable long time. 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 counsel for applicant/accused has contended as per the lines as mentioned in the bail application. He further contended that the applicant/accused is in custody since long and she is no more required for further custodial interrogation and she 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 counsel 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 Sukhdev Singh son of Kirpal Singh recorded by police on 22.07.2020 who has stated that on 18.07.2020 when he was sleeping in his house then at about 12:30/1 AM, some persons scaled the wall of his house and opened the main gate of his house. He got up to hear the sound of opening of main gate of his house and he had seen from the window that two women alongwith 6/7 young men had entered in his house with

intention to commit theft. He switched on the light of his house and raised hue and cry in loud voice. Then they fled away from the spot. He had identified the persons in CCTV Camera.

9. On the basis of the statement of complainant, a case under Sections 457/380/511 of IPC was registered. Lateron, on 26.07.2020 complainant again got recorded his supplementary statement by stating that at that time accused were having deadly weapons in their hands and they had entered in house with intention to kill him and case under Sections 307/148/149 of IPC was also registered.

10. It is undisputed that no injury has been caused to complainant and even no theft has been committed in his house. Even he has not mentioned in his statement that which accused was holding which weapon. He has made only general allegations against applicant/accused and others (non applicants) that they were holding deadly weapons. Applicant/accused is in judicial custody since 22.07.2020. No recovery is to be effected from her as nothing has been recovered from her. Presentation of challan and conclusion of trial shall take long time and no useful purpose is going to be served by detaining applicant/accused behind bars, so it is a fit case to grant concession of bail to the applicant/accused.

11. So, taking into consideration the facts and circumstances, it is ordered that the bail application of the applicant/accused is allowed. The applicant/accused is ordered to be released on regular bail on furnishing bail bonds/surety bonds in the sum of Rs.75,000/- with on surety in the like amount to the satisfaction of this Court. It is further ordered that as there is Lockdown imposed in the State of Punjab due to Novel Covid 19 and also taking into consideration the directions issued by the Hon'ble Punjab and Haryana High Court, Chandigarh in CRM-M No.11952 of 2010 vide order dated 30.03.2020, the applicant/accused is ordered to be released on furnishing of personal bonds with further undertaking that she would submit the surety bonds as ordered above, to the satisfaction of the Court in compliance of this order within fifteen days from the date when

situation has become normal after lifting of curfew/lockdown. Release warrants of the applicant/accused alongwith the above said conditions of furnishing personal bonds be issued to the concerned Jail Superintendent immediately through Email and through ordinary process and Jail Superintendent is further directed to return the personal bonds duly executed by applicant/accused after attesting by the Jail Superintendent and undertaking to the Court immediately. File be sent to the Court of learned Sessions Judge, Ferozepur for the purpose of its entrustment and consignment.

Pronounced in the Open Court.

Dated.14.08.2020.

Dalip Goyal,
Stenographer Grade II.
Direct Dictation.

(Rajni Chhokra)
Additional Sessions Judge,
Fast Track Court,
Exclusively dealing with Rape Cases,
Ferozepur. UID No.PB-0168 (Duty)