

PBGD010033742024



Presented on : 19-04-2024

Registered on : 19-04-2024

Decided on : 07.05.2024

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

UNIQUE IDENTIFICATION CODE NO. PB0100

Bail Application No. 209 dated 19.04.2024

Date of Decision: 07.05.2024

CIS no. BA-1407-2024

FIR No. 0086 dated 13.09.2023

U/S 363/366 IPC

P.S. Qadian

Hasanpreet Singh @ Kaim son of Balwinder Singh resident of Shaheed
Balwinder Nagar, Faridkot at present residing at Patti Guru Nanakpur,
Ward no. 9, Opposite Sukh Hospital, Qadian, Tehsil Batala, District
Gurdaspur.

---Accused/applicant

Versus

State of Punjab

1st **bail application under Section 439 Cr.P.C.**

Present: Sh. Rajinder Kumar, 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 439 of Code of Criminal Procedure moved on behalf of above said accused/applicant Hasanpreet Singh @ Kaim.
2. Notice of bail application was given to State and learned APP for the State had put in appearance.
3. In brief, the facts of the present case are that complainant has three daughters and prosecutrix aged about 15 years eldest amongst all her

daughters. The complainant further stated that her daughter/prosecutrix was working at ILETS Centre, Qadian from 09:00 AM to 05:00 PM alongwith her studies. On 08.09.2023 her daughter/prosecutrix left the house at 09:00 AM for her work place, but did not return home till evening. The complainant telephoncially enquired from the owner of the ILETS Centre, who disclosed that her daughter/prosecutrix had left the work place at 03:00 PM as she was not feeling well and wanted to go home after taking medicine. Thereafter, complainant called her daughter/prosecutrix on her mobile phone, but the phone of the prosecutrix was switched off. The complainant also searched for her daughter in her relatives houses etc. but could not trace her and she had firmed belief that her daughter/prosecutrix was kidnapped by Hassandeeep Singh accused on the false pretext of marriage.

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 had not kidnapped the prosecutrix/daughter of the complainant from the lawful custody and he had falsely implicated in the present case. It was further argued that there was delay of five days in registration of the FIR and the said delay was also used for concocting the false story. Lastly it was argued that accused was in police custody since 04.03.2024 and his custodial interrogation is not required and prayed for grant of regular bail.

6. Learned APP had strongly opposed the grant of bail to the accused-applicant on the ground that accused-applicant had committed heinous offence of kidnapping the minor prosecutrix, who was aged about 15 years from the lawful custody of her parents and the girl was recovered after six months of kidnapping and as such accused was not entitled for the grant of relief of bail as prayed for.

7. I have heard respective contentions raised by learned counsel for the accused-applicant as well as learned APP for the State. After hearing both the counsels, this court is of the considered opinion that there is specific allegations have been leveled against accused/applicant of kidnapping minor daughter/prosecutrix of the complainant from the lawful custody of her parents without their consent. Though accused/applicant is in custody, but as stated above specific allegations have been leveled against him, which are grave and serious in nature. 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.

Date of Order: 07.05.2024

Dilbag Singh Steno-II

(Baljinder Sidhu)

Additional Sessions Judge

Fast Track Special Court

Gurdaspur/UID no. PB0100

Present: Sh. Rajinder Kumar, Adv., counsel for accused-applicant .
Shri Hardeep Kumar, Addl.PP for the State.

Arguments on bail application heard. Vide my separate detailed order or even date, bail application of the accused-applicant stands dismissed. Record of learned Illaqa Magistrate be returned. File of bail application be consigned to record room.

Date of Order: 07.05.2024
Dilbag Singh Steno-II

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