

**IN THE COURT OF MANILA CHUGH (PB0205)
ADDITIONAL SESSIONS JUDGE, PATIALA.**

**B.A. No. 1438 of 04.05.2021
Filing ID No. 2420 of 2021
CNR No.PBPT01-004729-2021
Date of Order:07.05.2021**

Paramjit Singh alias Pamma aged about 22 years son of Jagmohan Singh
resident of Village Chirvi, Tehsil Dudhan Sadhan District Patiala.

..... Applicant/accused.

Versus.

State of Punjab

.....Respondent.

First Application for bail under Section 439 Cr.P.C.

FIR No.211 dated 18.11.2020
Under Sections 376, 506 IPC and
Section 4 of Protection of Children
from Sexual Offences Act.
P.S.Anaj Mandi, Patiala.

Present: Sh. Gurmail Singh Nararwal, Advocate counsel for the
applicant/accused.
Sh. Rakesh Goyal Additional Public Prosecutor for the State.

ORDER

Prayer for grant of regular bail has been made by
applicant/accused on the ground that he is in custody since 19.11.2020
and the trial is fixed for 28.05.2021. It is argued by ld. counsel for the
applicant that the applicant was falsely implicated under the influence of a

relative who has a personal grudge against applicant/accused. It has been urged that victim has been examined as a witness in the court in which she clearly stated that she had given the statement to police due to anger and that she had developed physical relationship with the accused with her consent. Therefore, he be released on bail.

2. Notice of the bail application was given to State and the learned Additional Public Prosecutor for the State opposed the bail application and prayed for dismissal of the same on the ground of gravity and heinousness of offence. It is argued that consent of minor prosecutrix is immaterial.

3. I have heard the rival contentions and have perused the judicial file. Accused is facing trial for commission of offence under Section 4 of POCSO Act and in alternative Section 376 IPC and Section 506 IPC and he was charge sheeted accordingly on 05.02.2021. The minor prosecutrix and her mother have been examined as witnesses. The sole contention of learned counsel for the applicant that the victim had deposed in the court that she had developed the physical relationship with accused with her consent, is *prima facie* not relevant in view of her date of birth certificate which shows that she was about 15 years old at the time of occurrence in question and sixteen years old at the time of deposition in the court. Further the statement of mother of victim has already been recorded during trial and she has supported the prosecution version. Rather it has come on record that accused/applicant is the 'Muhbola' brother of mother of minor prosecutrix. Therefore, keeping in view the gravity and heinousness of offence alleged to have been committed by the

bail applicant, he is not found entitled to the relief of bail as prayed for.

Accordingly, finding no merits in the application, same stands dismissed.

Present bail application file be attached with the main trial case file.

Pronounced in the open court.

Date of order :07.05.2021

Tanu Sharma,

(Manila Chugh)
Additional Sessions Judge
Patiala (UID No.PB0205)