

‘State Versus Sarwan Singh’ (BA 1443-20)
FIR No.22 dated 26.7.2019 of P.S.Khem Karan.
Under Sec.363/366 IPC and Sec.376 IPC and Sec.4 of POCSO Act, 2012
added lateron.

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Present:      Shri H.K.Handa, Advocate for the accused-applicant.  
                 APP for the State.

By means of his application under disposal, the accused-applicant has come up with a prayer for his release on bail in respect of the above captioned case with the submissions that he has been falsely implicated as the victim of this case was involved in love affair with the accused and her would be groom on coming to know about her love affair with the accused, had refused to marry her and even the victim herself had also refused to marry him. It is further averred that the date of birth of the prosecutrix has been manipulated as 24.5.2005 as against her actual date of birth 24.5.2003.

Notice of the bail application was issued to the State and the records in the shape of pending challan file were also requisitioned. On receipt of the records, I have heard the learned counsel for the accused-applicant and the learned APP for the State.

As per records, FIR this case was got registered by one Buta Singh that the minor daughter of his brother in law (wife’s brother) who was residing with him after the death of her father, had been enticed away by the accused on 25.7.2019 and initially FIR for the commission of offences punishable under Section 363/366 of IPC and Sec.8 of POCSO Act, 2012 was registered. During the course of investigations, statement of the victim Kulwinder Kaur was also recorded during the course whereof she has clearly stated that she used to be teased by the accused while on

way to her school and that on 25.7.2019 the accused took her along and committed forcible inter course with her whereafter the accused took her to Karnal where she was kept at some undisclosed place and during the course of such stay at Karnal also, the accused had been repeatedly raping her. It is also made out on perusal of the copy of Birth certificate of the prosecutrix that with her date of birth being 24.5.2005, she had not completed even 15 years of age at the time of incident and even if the plea raised on behalf of the accused that the victim had voluntarily joined the accused, is taken into consideration, such a plea cannot be said to be of any help to the accused since in such a case, even the consent of the female below the age of 18 years is of no consequence and the offence does not get washed away.

Thus, considering the facts and circumstances of the case and in the light of seriousness of allegations and gravity of offence committed by the accused, I do not find him entitled to the concession of bail and his application for the purpose stands dismissed accordingly. Papers be tagged with challan file.

Pronounced:  
29.7.2020.

(Charanjeet Arora)  
Addl.Sessions Judge (D)/Tarn Taran.  
(UID No.PB0178)