

CNR No.PBFZ-0100-3726-2018

CIS-1451 State vs. Chhallo Bibi @ Kaushalya Bai

Present: Sh.Chaman Maini, counsel for the applicant-accused.

Sh. BS Kamboj, Addl. PP for the State.

Chhallo Bibi @ Kaushalya Bai aged 65 years wife of Jarnail Singh resident of village Hazara Singh Wala, PS Mamdot, Tehsil and District Ferozepur seeks **regular bail** in case FIR No.55, dated 21.05.2018, under Sections 376,363,366,120-B IPC and under section 6 of Protection of Children from Sexual Offences Act, 2012 Police Station Mamdot.

2. Present case has been registered on the basis of the statement of complainant/prosecutrix(identify withheld) wherein it is alleged that her date of birth is 03.05.2000. She was on visiting terms with Rajni Bala sister of Paramjit Singh being her neighbour. Paramjit Singh used to say her to solemnize marriage but she always refused. On 15.05.2018 at about 2.00 a.m. Paramjit Singh in connivance with his brother Gurmit Singh, sister Rajni Bala, another Rajni Bala non applicants and Chhallo Bibi applicant made her to sit on the motor cycle forcibly. Gurmit Singh started driving motor cycle and Paramjit Singh sat on the pillion seat and took the prosecutrix to a room in a village near Jalalabad where Paramjit Singh committed rape upon her without her consent.

3. It is contended by the learned counsel for the applicant-accused that applicant has been falsely implicated in this case. No offence is made out against the applicant accused. The applicant is an old aged lady. There is considerable delay of six days in lodging the FIR. The applicant has been in custody since 03.07.2018 and is no more required for further investigation. No useful purpose will be served by keeping the applicant behind the bars. Consequently, prayer for acceptance of the bail application has, thus, been made. On the other hand, the learned PP has opposed the bail application and prayer for dismissal of the bail application has, thus, been made.

4. Heard. From the perusal of file it transpires that applicant-accused

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has been in custody since 02.07.2018. The only allegations against the applicant are that she along with her co accused made the prosecutrix to sit on the motor cycle of Gurmit Singh who kidnapped her. The applicant is mother of the main accused. Criminal liability of the applicant-accused will be appreciated later on. Presentation of challan and

conclusion of trial may take sufficient time. The accused-applicant cannot be kept in judicial custody for indefinite period. Therefore, it is deemed appropriate to bestow benefit of regular bail to the applicant-accused and the accused-applicant is ordered to be released on bail on her furnishing personal bond in the sum of Rs.14,000/- with one surety in the like amount to the satisfaction of this court. File be consigned to the Record room.

Pronounced:

(Sd/-S.K. Aggarwal)
Sessions Judge, Ferozepur.

‘Lekh Raj
Stenographer Gr-I’

UID No.PB0012
16.07.2018.