

**IN THE COURT OF SH.SANDEEP S. JOSSAN (PB0150)
ADDITIONAL SESSIONS JUDGE, FAZILKA.**

**BA No. 1596 of 06.09.2019
CNR No.PBFZC0-004358-2019
Decided on :- 13.09.2019**

Gurdev Kaur, aged 60 years, wife of Resham Singh, resident of village
Katehra, Tehsil and District Fazilka.

Versus

. . . Accused/applicant.

State of Punjab.

. . . Respondent.

FIR No. 99 dated 18.08.2019
U/s :- 354/354-A/354-B/
341/323/506/148/149 IPC.
P.S.Khui Khera.

Bail application U/s 438 Cr.P.C.

Present: Sh. Ramesh Kumar Dhaka, cl for the applicant.
Addl. PP for the State.
Sh. Ramesh Birla, cl for the complainant.

ORDER

1. Sh. Ramesh Birla Advocate has filed his Wakalatnama on behalf of complainant. This order disposes off bail application of accused described in detail herein above.
2. Accusations leading to the registration of this FIR is that

on 11.08.2019 at about 8.00 A.M. when complainant Sheelo Rani who is 42 years old, was coming towards her house then on the way accused Raj Singh @ Raju, Kala Singh @ Kalu way laid her and caught her from her arms. Raju with bad intention caught hold her, from her suit from neck and torn the suit. These three accused started touching her private parts. Then accused torn all her clothes into pieces and made her naked. In the meantime, accused Gurdev Kaur, accused Anita, accused Sumitra, accused Paramjit Kaur alongwith accused Mangal Singh and Jagir Singh came there and also started beating the complainant. They also dragged the complainant by holding from her hair. Accused Mangal Singh and accused Jagir Singh started making the video of naked complainant on their mobiles. Accused Gurdev Kaur raised Lalkara by stating that complainant will be taught a lesson as her son Amandeep performed court marriage with their daughter Parveen Kaur. Accused Gurdev Kaur also instructed accused Raju, accused Kalu and accused Sonu to commit rape with complainant as she is already naked.

3. It is urged on behalf of the accused/ applicant that accused is altogether innocent and has been falsely implicated. The applicant is a senior citizen. Applicant is a member Panchayat of the village.

Application has been opposed by the State.

4. After hearing the learned counsel for both the sides and going through the matter laid before me, it came out that daughter of the accused party performed marriage with the son of complainant. This marriage was performed without the consent of parents, so the accused party and complainant party is having grudge against each other, accused Gurdev Kaur who is about 60 years old and is also a Member Panchahyat of the village and mainly the allegations against her are that she raised Lalkara and she also instructed accused Raju, accused Kalu and accused Sonu to commit rape with complainant as complainant is already naked, but in the FIR there is no allegation regarding committing of rape. Further, accused Gurdev Kaur is an old lady of 60 years, so without expressing my opinion on the merits of the case, I am of the opinion that custodial interrogation of the accused in this case is not indispensable for effective investigation nor pre-trial custody will be in the interest of Justice. Resultantly, the application is allowed and it is ordered that in the event of arrest of the applicant-accused, described in detail herein above, accused be admitted to pre-arrest bail by the Arresting Officer, subject to the conditions as provided under section 438 (2) of Cr.P.C. i.e. accused shall join the

investigation as and when so desired and directed by the investigating officer, that accused shall not give any threat or inducement to the prosecution witnesses. The accused shall continue appearing in the Trial Court unless appearance is specifically exempted.

Before parting with this order. Let it be clear that all said and observed herein before is only for the purpose of deciding the application in hand shall not have any effect upon the merits or ultimate out come of the case.

Copy of this order be sent to the Trial Court. Record of present bail application is ordered to be consigned to the record room.

-Sd/-

Pronounced. Dated: - 13.09.2019	Sandeep S. Jossan PB0150 Additional Sessions Judge, Fazilka.
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typed by Sunil Kumar,
Stenographer Gr-1