

**IN THE COURT OF SH.B.B.S.TEJI,
SESSIONS JUDGE, BARNALA.**
(U.I.D.No.PB0084)

CNR No.PBBR01-004733-2024
CIS No.BA/1598/2024
Date of Order.....27.11.2024

Raj Singh son of Jora Singh, resident of Sekha Road, Street No.4, Moran
Wali Pahi, Barnala.

...Applicant/accused

Versus

State of Punjab

Application for bail U/s.483 of BNSS

FIR No.385 dated 06.08.2023
Police Station : City Barnala.
Under Sections : 376,342,506,323 of IPC.

Present: Sh.D.R. Jindal, Advocate counsel for applicant/accused.
Sh.B.S. Deol Addl.Public Prosecutor for State.

ORDER

1. Heard, ld.counsel for applicant and ld.Addl.Public Prosecutor
for State and record perused.
2. As per case of prosecution, instant FIR was registered on the
statement of complainant on the allegations that she performed marriage
with Gurbir Singh with her own consent on 27.02.2023 and thereafter she
started residing at the house of her in-laws. That when her in-laws family
came to know that her parents are not treating with her, they also changed
their behaviour towards her. That about one month back, her brother-in-

law (Deor) Kuldeep Singh committed rape on her person forcibly when she was alone at home. That thereafter after about 15-16, her father-in-law Raj Singh also committed rape on her person and she disclosed about the same to her husband Gurbir Singh, but failed to take any action against them. On 05.08.2023, she got freed from the accused persons and after scaling the wall, she save herself and came to her parental place. On this statement, present FIR was registered.

3. Learned counsel for applicant has submitted that this is the second application for regular bail as earlier was dismissed as withdrawn, whereas as per office report, earlier two bail applications were dismissed as withdrawn. The record has also been perused from the website and it is found that first bail application was dismissed as withdrawn on 07.06.2024 and second was dismissed as withdrawn on 16.09.2024. Ld.counsel for applicant submitted that since he was not earlier counsel in the matter, same may be due to inadvertence. That earlier bail applications were dismissed as withdrawn on account of the fact that victim was yet to be examined and now victim has already been examined and other private witnesses have been given up by the prosecution in order to avoid multiplicity of evidence. Trial file is perused, which is in conformity with the same.

It has been contended by ld.counsel for applicant that applicant is in custody since 14.10.2023 and no more required by the

police for further investigation. That applicant is old age person and false allegations have been levelled against applicant being father-in-law as earlier marriage of complainant had performed with son of applicant against wish of her parents and thereafter complainant had conceived child, applicant alongwith other family members were against aborting the said child, whereas complainant on her own will had aborted the child and thereafter false FIR has been lodged.

4. On the other hand, Ld.Addl.Public Prosecutor has not controverted the fact that earlier bail applications were dismissed as withdrawn as complainant was yet to be examined. That now complainant has already been examined and other private witnesses have been given up by the prosecution vide statement of complainant, in order to avoid multiplicity of evidence and remaining witnesses are officials/formal witnesses. That applicant is in custody since 14.10.2023.

5. After considering the above, as the applicant is in custody since 14.10.2023 after his arrest, entailing that the applicant is no more required by the police for further investigation. No useful purpose shall be served by detaining the applicant behind bars for indefinite period as conclusion of trial will take considerable time. The complainant has already been examined and other private witnesses have been given up by the prosecution vide statement of complainant and remaining witnesses are officials/formal witnesses. Accordingly, the application is allowed and

the applicant is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of Ilaqa Magistrate/Duty Magistrate. Nothing express herein shall have bearing on merit of the trial. Bail papers be consigned to record room.

Announced.

Dated:27.11.2024

J.Sharma/JW-I

(B.B.S.Teji)

Sessions Judge, Barnala
(PB0084)