

IN THE COURT OF MS. GURDARSHAN KAUR DHALIWAL,
ADDL. SESSIONS JUDGE, FAST TRACK SPECIAL COURT (POCSO),
FAZILKA. (UID:PB0146)

Bail application No.284 of 2022
CIS No. BA-148/2022
CNR No.PBFZC00003442022
Date of Order:01.02.2022

Dharminder Singh actual name Dhalwinder Singh, aged 34/35 years son of
Mehnga Ram, resident of village Bhangla, PS Sadar Abohar, District Fazilka.

--Applicant/accused

Versus

State of Punjab.

---Respondent.

FIR No.01 dated 01.01.2022
Under Sections: 354/354-A/456 IPC & Section 8 of
POCSO Act.
Police Station: Sadar Abohar

ANTICIPATORY BAIL APPLICATION U/S 438(1) Cr.PC

Present: Sh.Rahil Birla, Advocate, counsel for the applicant/accused.
Sh.Amit Goklaney, Addl. PP for the State assisted by Sh.Paramjit
Singh, Adv. counsel for complainant.

ORDER

This order of mine shall dispose of anticipatory bail application under
Section 438(i) Cr.PC moved by applicant/accused Dharminder Singh @
Dhalwinder Singh in above mentioned FIR.

2. Notice of the bail application was issued to the State. Police record
was also requisitioned.

3. Learned counsel for the applicant/accused submitted that the present FIR has been registered against the applicant/accused on false and flimsy grounds and the family of complainant made a totally false and concocted story just to implicate the applicant/accused in the present case and used her as a tool to register the false FIR. He further submitted that earlier the applicant/accused and one Resham Singh got registered one FIR No.182 dated 25.8.2007 under Sections 323/324/148/149 IPC at PS Sadar Abohar against Kulwant Singh, father of complainant and others in which a compromise was effected with the intervention of respectable and relatives. He further submitted that for the last about six months, the complainant fell in love with applicant/accused and started sending messages to him and said that she will marry him but the applicant/accused requested her that she is minor and he also likes her and also made her understand that he will marry her (complainant) when she will attain the majority. He further submitted that about a month ago, brother of complainant was having some doubt on complainant and applicant/accused and he read the messages/chatting in the mobile of complainant and disclosed whole thing to his parents, who gave beatings to complainant and to teach a lesson to applicant/accused made a false and concocted story of present FIR with the help of legal brain and got registered false FIR forcibly from complainant, whereas there is not an iota of truth in the FIR. He further submitted that this is a case of no injury and no medical and nothing is to be recovered from the applicant/accused and further there is delay of 9 days in

lodging the FIR which has not been explained by the complainant properly. He further submitted that the applicant/accused apprehends his arrest at the hands of police as the police is now conducting the raid at the house of accused. The applicant/accused is ready to join the investigation and is also ready to co-operate with the investigating agency and is also ready to abide by all the conditions which may be imposed upon him by the Court. Hence, in the end a prayer for release of applicant/accused on bail has been made.

4. On the other hand, learned Addl. PP for the State has vehemently opposed the bail application on the ground of gravity of the offences and submitted that applicant/accused should not be granted concession of bail and his bail application may be dismissed.

5. I have heard learned counsel for applicant/accused, learned Addl. PP for the State and have also gone through the record.

6. The FIR in this case was got registered at the behest of complainant XXXX daughter of Kulwant Singh, resident of village Bhangala, Tehsil Abohar, aged about 16 years on the allegations that she is studying in 10th standard in Saint Farid High School, village Bhangala and on 22.12.2021 at about 11:00 pm, from the bathroom constructed near the main gate of her house, she was coming to her room after attending nature call and light outside the cattle room in the courtyard of her house was on, then suddenly someone caught her hold from behind. She further stated that when she turned back, she saw that it was Dharminder Singh

son of Mehnga Singh (applicant/accused) who was already known to her being her co-villager and when she opposed, he (applicant/accused) put his hand on her mouth and started doing obscene acts with her and with bad intention touched her breast, on which she raised hue and cry which attracted her mother Kiranjit Kaur and her brother Harmanjit Singh and on seeing them, Dharminder Singh fled away from the spot. She further stated that her father had gone in his relations and as their house is situated in the fields, they did not chase him and when on next day i.e. on 23.12.2021, her father came back to home, they narrated the entire incident to him but he told that if they will go to police, their reputation will be lowered and due to this reason, they kept mum and on being persuaded by her uncle Swaran Singh, she made statement before the police.

7. Having heard both the sides and perusing the record on file, I find that it is not a fit case where the applicant/accused should be extended the concession of anticipatory bail. Because the allegations leveled by the complainant of this case against the applicant/accused are of serious nature. There is specific allegation against him that he entered the house of complainant/prosecutrix XXXX at late night hours (11:00 pm) and did obscene acts with her with bad intention. Such like offences against women folk are on high rise. Situation is quite alarming. As stated by the Investigating Officer ASI Dial Chand, several other instances of same nature have been reported against the applicant/accused. He has placed on record statements of Charat Singh son of Jugraj Singh and Malkit Singh

son of Gurmail Singh, both residents of village Bhangala, supporting what he stated in the Court. In these statements also, Charat Singh and Malkit Singh have reported same kind of occurrences having been committed by the applicant/accused. So, the applicant/ accused seems to be habitual of committing such like occurrences against minor girls and women.

8. In view of above discussion, the present bail application filed by applicant/accused Dharminder Singh @ Dhalwinder Singh is hereby ordered to be dismissed being without any merit. Bail application file be consigned to Record Room.

Pronounced in the open Court
Dated:- 01.02.2022
Krishan Kumar
Stenographer Gr.II

sd/-
Gurdarshan Kaur Dhaliwal
Additional Sessions Judge,
Fast Track Special Court(POCSO),
Fazlika.UID-PB-0146

Dharminder Singh Vs. State of Punjab BA-148/2022

Present: Sh.Rahil Birla, Advocate, counsel for the applicant/accused.
Sh.Amit Goklaney, Addl. PP for the State assisted by Sh.Paramjit Singh, Adv. counsel for complainant.

Police record received and perused. Arguments heard. Vide my separate detailed order of even date, present bail application has been dismissed. Police record be returned. Bail application file be consigned to Record Room.

Pronounced in the open Court
Dated:- 01.02.2022
Krishan Kumar
Stenographer Gr.II

sd/-
Gurdarshan Kaur Dhaliwal
Additional Sessions Judge,
Fast Track Special Court(POCSO),
Fazlika.UID-PB-0146