

**In the Court of Ms. Neelam Arora, Addl. Sessions Judge,
Hoshiarpur -UID No. PB0091**

B. A. CIS No. 1572 of 28.7.2020
CNR No. PBH00100 3811 2020
Date of decision: 4.8.2020

Dalwinder Singh @ Billu aged about 23 years son of Joginder Singh,
resident of Dashmesh Nagar, Tanda, District Hoshiarpur.

....Accused/applicant

Versus

State of Punjab

.....Respondent

FIR No. 66 dated 5.4.2020
Under Sec. 363, 366A, 506, 120B, 34 of IPC, 1860,
Police Station: Tanda, District Hoshiarpur

Bail Application under Sec. 439 Cr.PC

Present: Shri PS Ghuman, Advocate for applicant/accused
Shri Gurpreet Singh, Addl. PP for the State

ORDER

This order of mine shall dispose off an application moved
by above mentioned applicant/accused, seeking regular bail in instant
case.

2. Notice of bail application was given to the State through Ld.
Addl. PP for the State.

3. The learned counsel for applicant/accused has argued that
co-accused Resham Kaur etc. have been granted bail by the Hon'ble
High Court and he took this court to the copy of order of Hon'ble High
Court dated 25.6.2020 passed in bail application of co-accused Resham

Kaur and Joginder Singh, in which it has been mentioned that statement of victim was also recorded wherein she has stated that she had left the house with Dalvinder Singh voluntarily and has not imputed any allegation of criminal conspiracy on the part of the petitioners. The learned counsel for applicant/accused also added that even the prosecutrix in her statement under Sec. 164 Cr.PC did not impute any allegation against the applicant/accused. Also, he has submitted that challan has already been presented in the court and the applicant/accused is in custody since 21.5.2020. He further submitted that conclusion of trial will take time and no useful purpose will be served by keeping the applicant/accused in custody any more. Hence, the learned counsel for applicant/accused has prayed that the applicant/accused may be released on bail.

4. On the other hand, the learned Addl. PP for the State took this court to the statement of complainant Sucha Singh, the father of prosecutrix and submitted that in this statement, the complainant has specifically alleged that it is applicant/accused Dalwinder Singh, who has enticed away his minor daughter i.e. prosecutrix, aged about 16 years on 3.4.2020 on the pretext of marriage. He further submitted that though the prosecutrix did not impute any allegation against the applicant/accused in her statement under Sec. 164 Cr.PC, but the applicant/accused is the main accused and the prosecutrix was recovered from the possession of applicant/accused on 21.5.2020 i.e. after about

1½ month from the occurrence. Hence, he resisted the bail application and prayed for dismissal of the bail application.

5. Heard and perused the record. Perusal of record shows that originally the present case was registered against accused Dalwinder Singh @ Billu under Sec. 363, 366A, 506 IPC, 1860 on the basis of statement made by complainant Sucha Singh with the allegations that the daughter of complainant i.e. prosecutrix, whose date of birth is 18.11.2003, was enticed away by the accused Dalwinder Singh on 3.4.2020 on the pretext of marriage. Subsequently, the complainant Sucha Singh has made supplementary statement on 20.5.2020 that accused Dalwinder Singh has enticed his minor daughter on the pretext of marriage in criminal conspiracy of his parents Reshsm Kaur and Joginder Singh. On the basis of this supplementary statement, offences under Sec. 120B, 506, 34 IPC, 1860 were added in the FIR and Resham Kaur and Joginder Singh were nominated as accused in this case. The perusal of record further shows that challan has already been presented before the learned Illaqa Magistrate, under Sec. 363, 366A, 506, 120B, 34 of Indian Penal Code, 1860 and there are no allegations under Sec. 376 of Indian Penal Code, 1860. Co-accused Resham Kaur and Joginder Singh have already been granted regular bail by the Hon'ble High Court, vide order dated 25.6.2020. I have also perused the statement of prosecutrix under Sec. 164 Cr.PC, in which she has alleged that she has left the house with her own will and Dalwinder Singh met her at night

time, who has told her that they will get married with the consent of their parents. Thereafter, they went to Bathinda, where they stayed for 25 days and then returned home. She further stated that she left the house with her own will and wants to marry Dalwinder Singh. Also it is stated by her that Dalwinder Singh did not exercise any force upon her.

6. In the light of above mentioned facts and circumstances of the case, present bail application is allowed and applicant/accused is ordered to be released on bail on his furnishing bail bonds to the tune of Rs. 50,000/- with one surety of the like amount, to the satisfaction of learned Illaqa/Duty Magistrate, with the conditions that he will appear in the court on each and every date of hearing, he will not induce or threaten the prosecution witnesses and shall not leave the country without prior permission of the court. Record be returned. Bail application file be consigned to the record room.

Announced

4.8.2020

baljinder

(Neelam Arora)
Addl. Sessions Judge
Hoshiarpur
UID No. PB0091

Dalwinder Singh vs State CIS No. 1572 of 28.7.2020
CNR No. PBH00100 3811 2020

Present: Shri PS Ghuman, Advocate for applicant/accused
 Shri Gurpreet Singh, Addl. PP for the State

Lower court record received. Police record also produced.

Arguments heard. Vide my separate detailed order of today, bail application filed by applicant/accused has been allowed. Lower court record be sent back and police record be returned. Bail application file be consigned to the record room.

Announced
4.8.2020

baljinder

(Neelam Arora)
Addl. Sessions Judge
Hoshiarpur
UID No. PB0091