

IN THE COURT OF VIKRANT KUMAR,
ADDITIONAL SESSIONS JUDGE,
Fast Track Special Court,
(to primarily try offences of rape and under POCSO Act)
SAS Nagar (UID No.PB00213)

CNR No.PBSA010039992025.

CIS No. BA/1470/2025.

Date of order: 15.05.2025.

Balpreet Singh @ Bali son of Sh. Bhinder Singh, Resident of Ward No.10,
Mohalla Jattan Wala, Banur, District SAS Nagar Mohali.

Applicant/accused

Versus

State of Punjab.

Respondent.

FIR No. 47 dated 22.04.2025.

Under Sections: 64 (1), 127 (2), 115 (2), 351 (3)
BNS and 4 of POCSO Act,
Police Station: Banur.

FIRST BAIL APPLICATION UNDER SECTION
483 BNSS/439 CR.P.C FOR GRANT OF
REGULAR BAIL.

Present :- Sh. Sheikhar Shukla, Advocate for the applicant/accused.
Sh. Dilpreet Singh, Special Public Prosecutor for the State.

ORDER:

1. The brief facts of the case, which require consideration for disposal of the present bail application are that present FIR has been lodged on the basis of statement of the complainant (name withheld in order to protect her identity and henceforth, she is being referred to as the victim). She has stated that she is 10th pass. She was having friendship with the aforesaid accused Balpreet Singh from the last four years. She used to visit

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his house. On 20.04.2025, at about 05.00 PM, she had visited the house of aforesaid accused Balpreet Singh. When she was standing on the roof of his house, then the accused came there and told her that she has been seeing towards the boys of street and started telling her wrong. Then, he slapped her, due to which, her head hit with the cooler and she suffered injuries on her head. Thereafter, the accused Balpreet Singh took her to a room, where he has committed forcible rape upon her. She has resisted the same. After that, the accused has gone out of the room by threatening her that if she would disclose about the aforesaid incident to anyone, then he would kill her. Thereafter, she has called her mother Shabnam, by making a telephonic call and then, she has narrated all the incident to her mother, who got her admitted in the Civil Hospital, Banur, where, she is under treatment. On the basis of aforesaid statement of the victim, FIR was lodged. After registration the said FIR, the applicant/accused was arrested in this case. Thus, present bail application has been filed by the accused.

2. Learned counsel for the accused/applicant submitted that accused/applicant has been falsely implicated in the present case. He has further submitted that the FIR is based on false and concocted story. He has also submitted that the victim is more than 18 years old and she started saying that she is wife of the applicant/accused. She was beaten up by her mother and was forced to depose against the applicant/accused and due to that reason, she has suffered statement under Section 183 of BNSS. It has also been submitted by the learned counsel for the applicant/accused that the statement under Section 183 BNSS of the victim has been recorded twice. In the second statement under Section 183 of BNSS, the victim has stated

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that the accused is innocent and under the pressure of her mother, she has got lodged the present FIR. He has also submitted that the applicant/accused was arrested on 22.04.2025 and since then, he is in custody and no useful purpose is going to be served by keeping him in the Jail. Lastly, the learned counsel for the applicant/accused has submitted that as the applicant/accused has been falsely implicated in the present case and is in custody since 22.04.2025 and therefore, the present bail application be allowed and the applicant/accused be granted bail.

3. On the other hand, Learned Special Public Prosecutor for State has argued that the allegations against the applicant/accused are serious in nature and thus, in view of the gravity of the offences committed by the applicant/accused, it is not a fit case where concession of bail can be granted to the accused/applicant and hence, the present bail application may kindly be dismissed.

4. I have heard learned counsel for applicant-accused as well as learned Special Public Prosecutor for the State and have perused the entire record with their able assistance.

5. Perusal of the judicial file reveals that in the present case, the FIR has been registered at the instance of the victim against the accused person for the offences under Sections 64 (1), 127 (2), 115 (2), 351 (3) BNS and 4 of POCSO Act. As per the case of the prosecution, the accused person has given beatings to the victim, committed forcible rape upon her and confined her in a room. This Court is of the view that the allegations against the applicant-accused are serious in nature. The contention of the learned counsel for the applicant/accused is that the applicant/accused has been

falsely implicated in the present case. This Court has considered the aforesaid contention advanced by the learned counsel for the applicant/accused and has found no force in the same as it is a matter of evidence that whether the accused has been falsely implicated or not. The said fact shall be considered at the final stage of the trial. The contention of the learned counsel for the applicant/accused is that the statement under Section 183 of the BNSS of the victim has been recorded twice and in the second statement, the victim has stated that the accused is innocent and first statement was given under the pressure of her mother Shabnam. This Court has considered the aforesaid contention advanced by the learned counsel for the applicant/accused and has found no force in the same. No doubt, the statement under Section 183 of the BNSS of the victim has been recorded twice, however, evidentiary value of the same will be seen at the appropriate stage of the trial. In case, concession of bail is granted to applicant-accused, it will give wrong impression in the minds of general public, which is uncalled for. Moreover, possibility of his tampering with the evidence cannot be ruled out. Thus, applicant-accused being in custody, is not thus sole ground for considering merit of this bail application. Hence, considering totality of facts and circumstances narrated above, present bail application stands dismissed. Papers be attached with the main file.

PRONOUNCED IN OPEN COURT.

ON:- 15.05.2025.

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STENOGRAPHER GRADE-I.

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State of Punjab Versus Balpreet Singh

Present :- Sh. Sheikhar Shukla, Advocate for the applicant/accused.
Sh. Dilpreet Singh, Special Public Prosecutor for the State.

Record has been received. Arguments have been heard.

Vide my separate detailed order of even date, the present bail application has been dismissed, as detailed therein.

Papers be attached with the main file.

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