

BA/15698/2020

CNR No.PBLD010177682020

State Vs. Amandeep Singh

Present: Ms.Neelam Pathak, Additional Public Prosecutor for the State.
Ms.Meenu Bhalla, Advocate, Counsel for the bail-applicant/
accused.

ORDER

This order of mine shall dispose of bail application under Section 439 of The Code of Criminal Procedure moved by accused/applicant Amandeep Singh son of Shri Darshan Singh resident of Village Atiana, Sudhar, District Ludhiana, in FIR No.44 dated 02.04.2019, under Sections 363, 366 of the Indian Penal Code and Section 3/4 of The Protection of Children from Sexual Offence Act, 2012, Police Station Dakha, Ludhiana. Brief facts of the case are that the instant case was registered against the accused/applicant on the basis of statement made by complainant Balwant Singh to the effect that her daughter i.e. prosecutrix is aged about 17 years and she did her 8th class from Government High School, Rakba. On 30.03.2019, all his family members went asleep after taking meal. When he woke up at about 04:00 AM, he saw that her daughter was not in the house. He searched for her daughter and was confident that Amandeep Singh kidnapped her daughter by inducing to marry her. On this statement, the instant case was registered. During investigation, efforts were made to search the prosecutrix and the accused, but they could not be found. Due to non-arrest of the accused/applicant, PO proceedings were initiated in the court and challan has already been presented

in the court. Thereafter on 31.03.2020, accused/applicant was arrested in this case and the prosecutrix was recovered from the accused/applicant. On 01.04.2020, statement of prosecutrix under Section 164 of The Code of Criminal Procedure was got recorded from the court of Shri Gagandeep Singh, Judicial Magistrate Ist Class, Ludhiana, medical record was obtained. Statements of the witnesses were recorded and after completion of formal investigations, challan against the accused/applicant was presented in the court on 10.02.2020. Learned counsel for the accused/applicant contended that FIR was lodged on the statement of father of the prosecutrix. The prosecutrix in her statement under Section 164 of The Code of Criminal Procedure, extract whereof is on judicial file, which is seen and signed, did not fasten any allegation of rape against the accused/applicant. Certainly, statement of prosecutrix under Section 164 of The Code of Criminal Procedure is silent about rape having been committed by the accused/applicant upon her or she having sexual intercourse with the accused/applicant, but stated that she lived with the accused/applicant for one year in a rented accommodation at Chandigarh. She, on her own accord, had gone with the accused/applicant. Medico legal report dated 31.03.2020 of the prosecutrix makes out that she stayed with accused/applicant Amandeep Singh for about one year and had sexual intercourse with him at multiple times. Carbon copy of the medico legal report is signed by the prosecutrix, which makes out that prosecutrix had sexual intercourse with the accused/applicant. Date of birth of the prosecutrix as per school certificate issued by the Principal,

Government Senior Secondary School, Rakba, Ludhiana dated 30.04.2020 is 04.06.2002. Prosecutrix as per the statement of Balwant Singh, father of prosecutrix, left the house on 02.04.2019. Prosecutrix was recovered on 31.03.2020. During this intervening time of almost one year, she had sexual intercourse with a boy as made out from her medico legal report. She was less than 18 years old as on the date of elopement and even during a period of one year stay with the accused/applicant. Prosecutrix was less than 18 years of age, as such, even her consent is no consent. Accused/applicant is not entitled to concession of bail. Accordingly, the instant bail application is dismissed. Judicial record alongwith copy of this order be returned and this file be consigned to the record room.

Pronounced in open court
On 24.11.2020.

Tejinder Nath
Stenographer-I

Aashish Abrol,
Addl.Sessions Judge,
Fast Track Special Court
Ludhiana(Duty).
PB-00203.