

PBBT010080752019



Presented on : 15-06-2019
 Registered on : 15-06-2019
 Decided on : 19-06-2019
 Duration : 0 years, 0 months, 4 days

**IN THE COURT OF MS. RAVI INDER KAUR,
 ADDITIONAL SESSIONS JUDGE, BATHINDA.
 (UID NO. PB-0186)**

CNR No. PBBT-01-008075-2019
 CRN No. BA 1610 of 2019
 Decided on : 19.06.2019.

Krishan Singh , aged about 24 years son of Tarsem Singh, resident of village Sandoha, Tehsil Maur Mandi, District Bathinda.

.....Petitioner

Versus

State of Punjab.

..... Respondent.

Bail Application U/S 438 of Cr.P.C.

FIR No. 70 of 12.4.2019,
 U/s 363, 366-A of IPC & 8/11 POCSO Act
 P.S. Sangat, Bathinda

Present:- Mr. Varun Sharma, counsel for applicant/accused.
 Mr. T S Sidhu, Ld. Addl. PP for the state.

ORDER

1. The instant application for grant of anticipatory bail under Section 438 of Cr.P.C., has been filed by the aforesaid applicant/accused, who has been named as accused in above referred FIR.

2. In brief, the facts of the case as stated are, that the

present FIR was registered on the basis of statement of Bhupinder Singh @ Bhappa, wherein he averred that in the night between 10.4.2019 and 11.4.2019 his girl prosecutrix went out of house without informing anybody. May be his daughter consumed intoxication substance to his father and his sister who were present in the house as they had gone to Malerkotla for performing 'chownki'. On 11.4.2019 they returned from Malerkotla and searched his daughter in the relations and now on enquiry he came to know that Darshveer Singh @ Mandu s/o unknown resident of Gurusar Sainewala has seduced his daughter by alluring her to get marriage. During investigation of this case, complainant Bhupinder Singh made supplementary statement before the police that now on complete inquiry, they came to know that Lajpat Singh son of Balwinder Singh resident of village Sandoha has enticed away his daughter by alluring her to get marriage with her. On the basis of this supplementary statement GD No. 9 dated 26.4.2019 was got entered in the Police Station, Sangat. On these allegations, the present case was registered against the accused-applicant u/s 363,366-A IPC. During investigation on the basis of statement made by prosecutrix before SI Beaunt Kaur on dated 11.5.2019, offence u/s 376 IPC and Section 8 & 11 of POCSO Act was added.

3. Notice of the bail application was given to the State of Punjab and as such, the police file has also been requisitioned.

4. I have heard Mr. Varun Sharma, learned counsel for the applicant/accused, Mr. T S Sidhu, learned Addl. PP for the State and have also perused the case file, along with police file.

5. Mr. Varun Sharma, advocate, learned counsel for the applicant/accused has contended that the applicant has been falsely implicated in this case. He has got no concern with the alleged commission of offence. The main accused has already been arrested in this case. Nothing is required to be recovered from him. Still, the applicant is ready to join the investigation, if extended concession of bail to him.

6. Per contra, Mr. T S Sidhu, learned Addl. PP for the State has opposed the grant of anticipatory bail to the applicant by way of arguing that the applicant has committed serious offence.

7. A perusal of the record, has prima facie shown that the complainant has levelled specific allegations in her statement got recorded u/s 164 Cr.P.C. on dated 12.5.2019 against the applicant-accused and his co-accused to the effect that accused-applicant alongwith main accused Lajpat Singh brought her on motorcycle from her village and from where they went to Chandigarh High Court where she solemnized her marriage with Lajpat Singh on 11.4.2019. From the perusal of copy of birth certificate which is placed on the police file issued by Additional Distt. Registrar, Birth & Death, O/o Civil Surgeon, Bathinda shows that the date of birth of prosecutrix is 30.8.2004 and as such the prosecutrix was minor at the time of alleged occurrence. As per the specific allegations levelled by the prosecutrix the active role is attributed to the applicant-applicant. In view of above, the petitioner has committed serious and grave offence. In case the applicant-accused is

granted relief of anticipatory bail, the investigation will be hampered with. So, the custodial interrogation of the accused-applicant has become necessary to ascertain the role of the accused-applicant in the commission of offence and for investigating the case. In order to unearth conspiracy and individual role of the accused person, custodial interrogation of the applicant/accused is necessary. The Hon 'ble Apex Court in case, State represented by the **CBI Vs. Anil Sharma, reported in 1994(4) RCR (Criminal), 268** has observed as follows;

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect, who is well ensconced with a favourable order under section 438 of the Code. In a case like, this, effective interrogation of suspected persons is of tremendous advantage in disinterring many useful informations of and also material, which would have been concealed Success in such interrogations, would elude if the suspected persons knows that he is well protected and insulated by a pre-arrest bail order during the time, he is interrogated. Very often, interrogation in such a condition, would be reduced to a mere ritual.”

8. Taking cue from the above observation made by the Hon 'ble Supreme Court of India, this court has also formed its opinion to the effect that in case, protective umbrella of anticipatory bail is cast upon the head of accused/applicant, then, it would certainly hamper the investigation of the case, which is at its nascent stage and the interrogation of the accused will become only an empty formality.

9. In view of the serious allegations and the offence committed by the accused is heinous crime, the custodial interrogation of the applicant/accused has become very much necessary for investigating the case. So, in this very premise, this anticipatory bail application is hereby dismissed. Police file be returned. File be consigned to the record room.

Pronounced.

Dated: 19.06.2019.

(Ravi Inder Kaur),
Addl. Sessions Judge,
Bathinda. (UID PB-0186).

Balwinder Singh,
Stenographer-I.

CNR No. PBBT-01-008075-2019
CRN No. BA 1610 of 2019

Krishan Singh Vs. State

19.06.2019 :Present: Mr. Varun Sharma, Ld. counsel for applicant.
Mr. T S Sidhu, Ld. Addl. PP for the State.

Police record produced.

Arguments heard. Vide my separate detailed order of even date, forming part of the record, this anticipatory bail application stands dismissed. Police record be returned forthwith and this file be consigned to the record room.

Pronounced.

Dated: 19.06.2019

(Ravi Inder Kaur),
Addl. Sessions Judge,
Bathinda.(UID PB-0186)

Balwinder Singh,
Stenographer-I.