

**In the court of Sh. Vishesh,
Additional Sessions Judge, Fast Track Special Court (POCSO),
Fazilka. (UID No. PB-0228)**

	B.A. No. 1611/2023. CNR No. PBFZC0-004205-2023. Date of Order :- 07.08.2023
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Paramjit Singh @ Bindu, aged 33 years, son of Sh. Lachhman Singh
son of Sh. Naina Singh, resident of villave Jand Wala Bhime Shah,
Tehsil and District Fazilka.

.....Applicant-accused.

Versus.

State of Punjab.

.....Respondent.

FIR No. 61 dated 20.07.2023.
U/s :- 363, 366-A, 120-B of IPC.
Police Station Arni Wala.

[Bail application U/s 438 of Cr.P.C.]

Present: Sh. L.K.Malik Advocate, counsel for applicant.
Sh. Amit Goklaney, Additional PP for the State.

ORDER:

Present order of mine shall dispose off bail application
filed by applicant- Paramjit Singh @ Bindu.

2. Brief facts of the bail application are that the
applicant/accused is an innocent person and has been falsely
implicated in the present case. The present case against the
applicant/accused is a false and frivolous and there is not even a single
grain of truth in it. It has been further stated that there is no evidence
with the prosecution to connect the applicant/accused with the alleged

offences and the whole prosecution story is concocted by the complainant with an ulterior motive to harass and humiliate the applicant and to pressurize him to succumb to illegal demands of complainant. It has been further stated that there is an extra ordinary and unexplained delay in lodging the present FIR as the so called occurrence is alleged to have taken place on 16.07.2023 whereas the FIR has been registered on 20.07.2023 after due deliberation and consultation. Hence, it is prayed that applicant be admitted to bail.

3. Upon notice, learned Addl.PP for State appeared and contested the bail application.

4. I have heard Ld. counsel for applicant, learned Addl.PP for State and have gone through the records of the case file carefully.

5. The present FIR was registered at the instance of complainant father of Victim (name of father of Victim and Victim withheld) on his statement whereby he stated that he was a labourer and got married 20 years back. He further stated that from the said wedlock 3 children were born. He further stated that the Victim was aged about 15 years and her date of birth was 08.11.2008 and was studying at a school at village Jand Wala Bhime Shah (name of the school of Victim withheld) in 8th class. He further stated that about 15-16 days back, the Victim told his wife that she was having friendship with Nishan Singh @ Sajan, resident of village Jand Wala Bhime Shah and he wanted to solemnize marriage with her. This fact was told to the complainant by his wife. He further disclosed the said fact to his brother Mehnga Singh and they made Victim understand. Thereafter, complainant alongwith his relatives went to the house of

Nishan Singh, where he met Nasib Kaur and applicant Paramjit Singh and they tried to made them understand but the accused persons told the complainant that they wanted to get the marriage of Victim and Nishan Singh solemnize immediately and if the family members of Victim will not agree, they will forcibly kidnapped the Victim and solemnize marriage of Nishan Singh with Victim. He further stated that on 16.07.2023, all the family members had gone to do labour work and Victim was alone at the house. When he came back in the evening at about 8.00 P.M. the Victim was not present at the house. Thereafter, they started searching for her in the neighbourhood but she could not be traced. On the next day, he alongwith Mehnga Ram went to the house of Amarjit Singh, where they met Amarjit Singh and Nasib Kaur and Paramjit Singh. Complainant asked them about the whereabouts of the Victim and also accused Nishan Singh. They told them that Nishan Singh had gone to the house of his relatives. When complainant asked them to make a telephonic call to Nishan Singh, they flatly refused for the same and threatened that they have done what they wanted to do and complainant cannot do anything about the said fact. It was further stated that Nishan Singh had enticed the Victim on the pretext of solemnizing marriage with her and consequently, the present FIR was got registered.

6. Counsel for the applicant has argued that as per the panchayat nama executed by the respectables of the village, it has been stated that the applicant is not residing with main accused Nishan Singh or his family members. He has further argued that he has no remotest role to play in the present occurrence. He has further argued

that the Victim herself has eloped with the accused Nishan Singh and request has been made to admit the application on bail.

7. However, I am not convinced with the contention of counsel for the applicant. The facts argued by counsel for the applicant cannot be considered at this stage and it is too early to jump to any conclusion. The main accused Nishan Singh is yet to be arrested and Victim is yet to be recovered. The fact that Victim allegedly eloped with the accused at her own is immaterial as the Victim is stated to be minor of age of 15 years and therefore, her consent does not hold any value in the eyes of law. If the applicant is admitted to anticipatory bail, there is every likelihood that he will hamper the process of investigation which is still at its initial stages. Finding no merits in the present bail application, the same is hereby dismissed. File be consigned to the record room.

Sd/-

Pronounced in open court.
Dated :- 07.08.2023

(Vishesh)
Additional Sessions Judge,
Fast Track Special Court, (POCSO),
Fazilka. *UID No: PB0228*

Typed by : Sunil Kumar,
Stenographer Grade-I.