

**IN THE COURT OF SHRI K. K.JAIN, ADDITIONAL
SESSIONS JUDGE, LUDHIANA.**

CNR No.PBLD01-006257-2020

CIS No. BA / 1924 / 2020

Decided on : 26.06.2020

State	Versus	Baljinder Singh son of Sh.Surjit Singh Resident of Village Chahlan, Tehsil Samrala, District Ludhiana. (Accused/Applicant).
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FIR No. 139 dated 05.07.2019

U/s : 376/506 of IPC and

Sections 3 & 4 of POCSO Act, 2012.

P. S : Samrala, Ludhiana.

Bail Application under Section 439 Cr.PC

Present : Sh. APS Virk, Ld. Addl. Special PP for the State.
Sh. B. S. Diwa, Adv, Counsel for applicant/accused

ORDER

Present application put up before me today in view of Lockdown/Curfew on account of spread of COVID-19.

2. Heard on the bail application filed on behalf of applicant/accused for regular bail, whereby it is submitted by the Ld. Counsel for the applicant that applicant/accused is innocent and has been falsely implicated in the present case. The applicant/accused is peace loving and law abiding citizen of India. Nothing is to be recovered from the applicant. It is further submitted that complainant herself remained in the house of the applicant/accused for about 10 months and during this period she attended all the functions of her own in the relations of the accused. The applicant has not committed any offence. Applicant/accused was arrested in this case on 30.09.2019 and since then he is in judicial custody. Challan has been presented in the court and conclusion of trial will take considerable time as during this lockdown period, it is not possible to record prosecution evidence and it will take long time to conclude the evidence of prosecution and no purpose will be served by detaining the applicant/accused in custody

for all this period. It is further submitted that the applicant/accused undertakes to appear in the court on each & every date of hearing and is ready to abide by the conditions imposed by the court while granting bail. Accordingly, prayer is made for allowing the present bail application and releasing the accused on bail.

3. Upon notice Ld. Addl. PP for the State put in appearance on behalf of State and although reply to the application is not intended to be filed by the State, however the bail application is hotly contested by the Ld. APP for the State and the contention of Ld. Addl. PP for the State is that the present accused deserves no concession of bail as serious allegations are there against him/them. Accordingly, request is made for dismissal of the present bail application.

4. From the perusal of the record, it transpires that this case was registered on the application moved by complainant/prosecutrix sent to SSP Khanna through post-office against the applicant/accused wherein she averred that her date of birth is 04.02.2002 and is minor. Accused/applicant had been committing rape from the last one year on the pretext of marrying with her and also threatened her. She further stated that at that time she could not understand about good and bad. Applicant/accused also performed fake marriage with her and he compelled her to go against her parents. Applicant/accused forcibly kept her in his custody. She tried to disclose all this to his family members but all in vain. Sometimes he also gave intoxicants after bringing syringe & intoxicating substance. One day when she was alone, she called her parents and then her father got her free from the clutches of the accused. Prayer has been made to take action against the accused. During investigation, accused/applicant was nominated and arrested in this case.

5. After considering the rival contentions of the parties and going through the file carefully, this court is convinced with the submission of Ld. Learned Addl.P.P for the State. From the perusal of the record of the present case, it prime-facie transpires that serious

allegations are there against the applicant/accused that accused/applicant kidnapped the victim/minor from lawful guardianship of her parents with intention to have illicit intercourse and committed aggravated penetrative sexual assault upon victim/minor and committed rape upon her and also criminally intimidated her. In view of these facts of the case, this court is of the opinion that if the accused is granted bail, there is every apprehension that he may abscond. Merely because a considerable period had been spent by the applicant/accused in custody, is no ground to release him on bail. Keeping in view the above facts of the case and the gravity of the offence allegedly committed by the accused, this court is of the opinion that the accused is not entitled to concession of regular bail in the present case and accordingly the application in hand is hereby dismissed. Let papers be attached with the main file.

**Pronounced in the open court:
Dt. 26.06.2020**

**(K.K.Jain)(UIDPB0163)
Addl. Sessions Judge/FTSC
under POCSO Act/Ludhiana.**

Mukesh Kumar, Stenographer-I