

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

	B.A. No. 1979/2023. CNR No. PBFZC0-005239-2023. Date of Order :- 20.09.2023
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Gagandeep Singh, aged about 31 years, son of Jaswinder Singh,
resident of village Lakhmeriana, Tehsil and District Sri Muktsar Sahib.

.....Applicant-accused.

Versus.

State of Punjab.

.....Respondent.

FIR No. 48 dated 08.07.2023.

U/s :- 495, 420 of IPC.

Police Station : Sadar Abohar.

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

Present: Sh. H.S.Bhullar Advocate, counsel for applicant.
Sh. Amit Goklaney, Additional PP for the State assisted by
Sh. Vijay Kumar Maini Advocate, counsel for the
complainant.

ORDER:

Present order of mine shall dispose off bail application
filed by applicant- Gagandeep Singh.

2. Brief facts of the bail application are that previously the
applicant has filed anticipatory bail application before the court of
learned Additional Sessions Judge, Fazilka under section 366, 376,
495, 34 of IPC, which was dismissed on 17.08.2023. It has been
further stated that during inquiry, the offences under section 366, 376,
34 of IPC have been deleted and section 420 of IPC has been added

vide DDR No. 18 dated 07.09.2023. It has been further stated that it is second anticipatory bail application in the present FIR. It has been further stated that the applicant/accused has been falsely implicated in the present case and no offence under section 420 of IPC has been made out against the applicant/accused because the applicant had already disclosed regarding his first marriage to the complainant. It has been further stated that on 19.05.2023, marriage between the complainant and applicant was solemnized at Gurdwara Singh Sabha, Mandi Bariwali by way of Anand Karaj ceremony. It has been further stated that thereafter, the applicant/accused and complainant filed protection petition under section 482 of Cr.P.C. before the Hon'ble Punjab and Haryana High Court at Chandigarh. It has been further stated that after that compromise has been effected between the applicant and parental family of the complainant, so they withdrew the protection petition and applicant/accused sent the complainant to her parental house but she never returned. It has been further stated that thereafter, applicant/accused moved an application dated 20.06.2023 to S.S.P. Sri Muktsar Sahib in this regard but the police did not take any action . It has been further stated that thereafter, the applicant/accused filed one petition under article 226, 227 seeking writ in the nature habeas corpus before the Hon'ble Punjab & Haryana High Court, Chandigarh in which order dated 21.06.2023 was passed with the directions for the appearance of Detenue, but the complainant gave her wrong statement and has concealed the material facts from the police officials under the influence of his family. It has been further stated that the police officials has also recorded the statement of Granthi in

which he has clearly stated that the complainant was in her complete senses on 19.05.2023 and she was having the knowledge that her marriage was going to be solemnized. It has been further stated that applicant/accused clearly told the complainant that he was already married. 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 victim X X X (name of Victim withheld) whereby she stated that she has studied up till B.A. She further stated that about 2½ years back, her paternal aunt (*Tayi*) wife of Shivraj Singh got her acquainted with applicant Gagandeep Singh as Charanjit Kaur was maternal aunt (*mami*) of applicant. Gradually, the Victim and applicant became close to each other and they started loving each other. It is further alleged that on 19.05.2023, she was going to V-point, Abohar to attend English classes that she received telephonic call from applicant, who called her at Bahawal Basi bus stop as he had some urgent work. The complainant got down from the bus. At the said bus stop after sometime, the applicant reached the spot on Grey colour car. At that time, Charanjit Kaur was also accompanying him. Thereafter, applicant forcibly took the complainant to Tehsil Complex, Sri Muktsar Sahib. She further stated that on the way, accused also gave her a tablet as she was nervous. At Tehsil complex, applicant got the signatures of complainant on some blank papers and thereafter, complainant and

applicant left for Mandi Bari wala. Thereafter, the applicant took the complainant to Singh Sabha Gurdwara, Bariwala, where her photographs were clicked by him. After that the applicant forcibly took complainant to his house at village Lakhmireana, where applicant got administered another tablet to the complainant on the pretext that she will feel better. Due to the tablet, the complainant became semi unconscious. She further stated that after reaching the house of applicant, the complainant came to know that he was already married and was having 2 children but this fact was never disclosed by him to the complainant. It is further alleged that during that night, the applicant committed rape upon the Victim against her wishes. On the next day, he left the complainant at Abohar, from where she reached her house. Hence, the present FIR.

6. Perusal of police record shows that the similar bail application of applicant has already been dismissed by this court vide order dated 17.08.2023. It further transpires from the police record that applicant during the course of investigation moved an application making prayer before the higher police officials that he is innocent. Thereafter, a inquiry has been conducted by SI Baljit Singh and consequent upon same, offences under section 366, 376, 34 of IPC has been deleted and offence under section 420 of IPC has been added vide DDR No. 18 dated 07.09.2023. From the investigation conducted by police one thing which becomes clear is that even though, it is held that the relationship between the complainant and the applicant were consensual but the fact remains that the said relationship were on the foundation of fraud and deceit played by the applicant upon the Victim

by concealing his previous marriage as well as the fact that he was already having children from the said wedlock. The act of the applicant tantamount to concealment of material facts, upon which the complainant was induced to have sexual relations with him. Considering the gravity of offence, I do not deem it proper to admit the applicant to anticipatory bail. 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 :- 20.09.2023

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

Typed by : Sunil Kumar,
Stenographer Grade-I.