

**IN THE COURT OF KIRAN BALA, ADDITIONAL SESSIONS
JUDGE, BATHINDA. (UID No. PB-0147)**

CRN No. BA/2000/2020
CNR No. PBBT01-004820-2020
Order dated : 13.8.2020

State Versus

Amit Kumar @ Badshah, aged 26
years, s/o Mohan Lal s/o Raghvir Lal
@ Raghvir Singh, resident of Q. No.
10-D, Corporation Colony, near Rose
Garden, Bathinda.

.....Applicant/Accused.

FIR No. 226 of 2019
U/s 376-D/384/506/120-B IPC
P.S. Canal Colony, Bathinda.

Bail Application U/s 439 Cr.P.C.

Present : Sh. Amritpal Singh, counsel for applicant/accused.
 Sh. J.S. Gill, Addl. PP for the respondent/State.

ORDER :

1. The instant bail application for grant of regular bail under section 439 of Cr.P.C., has been filed by the above said applicant, who has been named as accused in above referred FIR.
2. As per averments made by the learned counsel for the applicant, he has been falsely implicated in this case by the complainant. Although he has not committed the alleged offence. The entire prosecution story is concocted one. The accused/applicant has not been named in the FIR. The accused/applicant is in custody since long and he is no more required by the police for any purpose. Conclusion of trial will take considerable time. As such, a prayer has been made to grant bail to the accused/applicant.
3. No formal reply was filed, but, grant of bail was opposed

by learned Addl. Public Prosecutor for the State that the accused/applicant had committed heinous offence and he should not be granted bail.

4. I have heard Learned counsel for the applicant/accused, learned Addl. Public Prosecutor for the State, and gone through the material on record. Arguments have been made ad-verbatim.

5. The instant case was registered on the statement of complainant/prosecutrix with the allegations that her husband Vijay Kumar was lodged in jail and his co-accused Manpreet Singh @ Jodha and Ishwar Dass were released on bail. Harpreet Singh was friend of accused Manpreet Singh and Ishwar Dass. The complainant got acquainted with them when she used to go to meet her husband in jail. The complainant asked the above said person to get release her husband on bail, then Manpreet Singh had a talk to an advocate, who replied to meet on the next day. The accused persons told the complainant to stay at the house of accused Harpreet Singh. At that time wife of Harpreet Singh was not at home. Then, Manpreet Singh @ Jodha gave her juice to drink and after drinking it, she became drowsy. Thereafter, Manpreet Singh committed rape upon her, following which accused Harpreet Singh and Ishwar Dass also committed rape with her. Thereafter, also all these accused committed rape upon her by calling her to the house of Manpreet Singh, at which time, Khushi w/o Manpreet Singh came at the spot, to whom, she narrated the entire incident, but, she did not pay any heed to her.

The accused/applicant was nominated in this case on the

basis of supplementary statement of prosecutrix, vide DDR No. 10 dated 22.9.2019. She got recorded that except the forth person present along with other accused was accused/applicant Amit Kumar, whose name was not known to her earlier and said Amit Kumar is stated to be responsible for the entire conspiracy in committing rape with her. The accused/applicant has specifically been named in the supplementary statement of the complainant, wherein she held the accused/applicant to be responsible for hatching conspiracy behind the rape conducted on prosecutrix by other accused. The accusations levelled against the applicant/accused are very serious in nature. The nature of offence in question does not warrant the grant of concession of bail to the accused/applicant. Trial has just started. None of the prosecution witness has been examined till date, what to talk of examining material witnesses. If the accused/applicant is enlarged on bail, he may try to win over or overawe the prosecution witnesses or to abscond from the jurisdiction of the court. Hence, the bail application in hand is, hereby, dismissed. Papers be attached with the main trial file.

Pronounced in open Court.

Dated: 13.8.2020.

(Kiran Bala),
Additional Sessions Judge, (D)
Bathinda.
(UID PB-0147)

Suraj Mohan SG-II.

CRN No. BA/2000/2020

CNR No. PBBT01-004820-2020

State Vs. Amit Kumar

Present : Sh. Amritpal Singh, counsel for applicant/accused.
Sh. J.S. Gill, Addl. PP for the respondent/State.

Record produced. Arguments heard. Vide my separate detailed order of even date, the present bail application is dismissed. Papers be attached with the main trial file.

Pronounced in open Court.

Dated: 13.8.2020.

(Kiran Bala),
Additional Sessions Judge, (D)
Bathinda.
(UID PB-0147)

Suraj Mohan SG-II.