

**IN THE COURT OF RAJWINDER KAUR
ADDITIONAL SESSIONS JUDGE,
FAST TRACK COURT,
EXCLUSIVELY TO DEAL WITH RAPE CASES,
FEROZEPUR (UID No.PB-0121)**

CIS No. BA/1985 of 2023
CNR No. PBFZ0100-5238-2023
Date of order : 03.08.2023

Charanjeet Singh, aged 49 years, son of Sandhura Singh, resident of
Ajit Nagar, Sub Tehsil Talwandi Bhai, Tehsil and District Ferozepur.

.....Applicant/accused.

Versus

State of Punjab.

..... Respondent

FIR No.47 dated 30.06.2023.

Under Sections 363,366-A,120-B IPC.

Police Station : Talwandi Bhai,

District : Ferozepur.

Bail application under Section 439 of Cr.P.C.

Present: ***Sh. Tarnjeet Singh Sulhani***, Adv.for applicant/accused.
Sh. Rajeew Chaudhary, Additional PP for the State.
Sh. GS Sandhu, Adv.counsel for complainant.

ORDER.

This is the second application filed by **Charanjeet Singh** (*applicant/accused*) on the ground that, first bail application filed under Section **438 (i) Cr.P.C.** was dismissed as withdrawn. Now, after arrest of applicant/accused, he has filed application for **regular bail** on the ground that, he is innocent, has

been falsely implicated. Even otherwise, there is no direct or indirect evidence to connect him for the commission of crime nor he was aware about the whereabouts of *Arshdeep Singh(son/co-accused/non-applicant)* as well as girl. It is further submitted that, he has been nominated in the present FIR only on the basis of suspicion. Nothing is to be recovered from the applicant/accused and now, he is in judicial lock up *since 28.07.2023*. Completion of investigation, presentation of challan and conclusion of trial shall take long time. Thus, prayer for bail. (*Application is duly supported with affidavit*).

2. Upon notice, ***Sh.Rajeev Chaudhary, learned Additional Public Prosecutor***, for the state duly assisted by ***Sh. G.S. Sandhu, Adv.counsel for complainant*** appeared. No reply to the application has been filed but hotly contested the same.

3. Police record requisitioned, produced and perused.

4. **Baljinder Singh alias Binder Singh son of Maghar Singh (complainant/ father of Victim)** suffered statement that, on 27.06.2023, he alongwith his other family members was away from home for labour work whereas, Victim xxxx (name withheld) daughter, **Date of Birth '18.11.2005'** studied upto 10+2, was alone at house. At about 8 PM, when they returned, found Victim xxxx (name

withheld) daughter missing from home. On inquiry, they came to know that, Victim xxxx (name withheld) daughter had been enticed away by **Arshdeep Singh**, on pretext to marry in connivance with **Charanjeet Singh**(father) and **Sarabjeet Kaur** (mother). Instant case under Sections **363,366-A IPC** was got registered against accused Arshdeep Singh whereas, role allegedly attributed to Charanjeet Singh(father) and Sarabjeet Kaur (mother) was kept for further inquiry.

During investigation, vide **DDR No.14 dated 28.07.2023**, Charanjeet Singh (father) and Sarabjeet Kaur (mother) were nominated as accused and, offence under Section **120-B IPC**, **added subsequently**.

5. **Sh. Taranjeet Singh Sulhani**, Advocate, learned counsel for the (accused/applicant) has vehemently argued that, there is no direct or indirect evidence to connect **Charanjeet Singh** (applicant-accused) for the commission of crime. Applicant/accused has been falsely implicated being father of Arshdeep Singh (main accused/non-applicant). It is further submitted that, matter was thoroughly investigated by the police, this is the reason that, on 21.07.2023, ASI Baljit Singh No.1379 of Police Station Talwandi Bhai, appeared before the court in Bail Application No.1836 of 2023 titled as '**Sarabjeet Kaur and others Versus State of Punjab**' and, suffered statement that, Sarabjit

Kaur and Charanjeet Singh have not been nominated as accused in this case till today nor they are required for the purpose of any investigation. Thus, that application was withdrawn. Now, **Charanjeet Singh** (applicant/accused) has been nominated as accused. It is submitted that, whereabouts of *Arshdeep Singh (main accused/non-applicant)* are not known to applicant/accused. Therefore, prayer made for releasing him on bail.

6. On the other hand, *Sh. Rajeev Chaudhary, Learned Additional Public Prosecutor* for the State, duly assisted by *Sh.G.S. Sandhu*, Adv.counsel for the complainant, refuted such arguments and submitted that, during investigation, act and conduct of **Charanjeet Singh** as well as role played by him, came into light when complaint No.90/2023 titled as ‘**Pawandeep Kaur alias Mamandeep Kaur Versus Balwinder Singh**’ was taken on record and, in that complaint, not only name of the Victim xxxx (name withheld) was got changed by mis-stating about her date of birth, rather she was also forced to level allegations against her own parents. Since, recovery of the girl is yet to be effected, therefore, opposed prayer.

7. After having considering rival submissions put forth by counsel for both the parties and, perusal of the original file reveals that, instant case was got registered on the basis of suspicion qua

participation of **Charanjeet Singh** (father) and **Sarabjeet Kaur** (mother) of *Arshdeep Singh(main accused/non-applicant)*. So far as, photocopy of complaint placed on record, is concerned, it does not show presence of **Charanjeet Singh** (father) and **Sarabjeet Kaur** (mother) of *Arshdeep Singh(main accused/non-applicant)*. As per **Date of Birth of Victim xxxx** (name withheld), she was aged about **17 years and 7 months old**, at the time of occurrence i.e. on border line. The allegations levelled by the complainant regarding participation of the applicant/accused in the commission of crime, are yet to be proved, which can only be decided after appreciation of the evidence, which is yet to be led by the prosecution. Hence, keeping in view the fact that accused/applicant is in **custody since 28.07.2023**, and since completion of investigation and conclusion of trial shall take long time, no useful purpose will be served by detaining the applicant-accused behind bars for indefinite period, rather it shall be burden on state exchequer, the bail application in hand, filed on behalf of **Charanjeet Singh (applicant-accused)** is allowed and he is hereby, admitted on bail on furnishing of bail bonds and surety bonds to the satisfaction of Illaqa/Duty Magistrate subject to the following conditions:

1. That he will not tamper with the prosecution evidence;

2. That he will appear in the court on each and every date of hearing to be fixed in the trial;

3. That he will not leave the territory of India without prior permission of the Court;

Nothing stated hereinabove shall have bearing on the merits of case. Copy of order be sent to the court of learned Illaqa Magistrate/Duty Magistrate, for compliance and bail application file be consigned to the record room.

Pronounced in the Open Court.

Dated: 03.08.2023.

Manoj Kumar
Stenographer Gr.I

(Rajwinder Kaur)
Addl. Sessions Judge,
(Fast Track Court, exclusively
dealing with rape cases) Ferozepur
UID No. PB0121.