

**In the Court of Shri Pushvinder Singh, Additional Sessions Judge,  
Gurdaspur UID No.PB-0116**

**Bail Application No.325 of 26.07.2018  
CIS No.BA/1986/2018  
Date of Decision: 06.09.2018**

- 1. Robin @ Sunny so of Amrik Masih resident of village Khasan Wala, Tehsil Dera Baba Nanak, District Gurdaspur. Aadhar Card No. 3699 1870 4207**
- 2. Shera son of Ghastia resident of village Nangal Sohal, Ramdas, Tehsil Ajnala, District Amritsar. Aadhar Card No. 7227 4349 7944**

**-----Applicants/accused.**

**Versus**

**State of Punjab**

**.....Respondent**

**FIR No.04 of 08.01.2018  
U/s 363,366-A,120-B IPC & Section 3/4  
Pocso Act, 2012  
P.S. Dera Baba Nanak**

**(2nd application for Bail U/s 438 Cr.P.C.)**

**Present: Shri Paul Sandhu, Advocate, counsel for applicant/accused  
Shri Kiran Kumar, Additional Public Prosecutor for the State.**

**ORDER**

- 1. This application has been filed by the applicants/accused Robin @ Sunny and Shera for anticipatory bail. It is stated that earlier application of applicants/accused was disposed off by the court of Smt. Jaswinder Sheemar, learned Additional Sessions Judge, Gurdaspur. They have been falsely implicated in the present case. They are innocent and they have not committed any offence. As, per version of the FIR, minor daughter of complainant has been kidnapped by the Mani Masih on 17.12.2017. The**

story put forth by the complainant is concocted one. No specific allegations have been leveled against the accused/applicants. The applicants/accused have been falsely roped in the false case and have been made as Scapegoat being the real brother and brother-in-law (Jija) of accused Mani Masih. Daughter of the complainant namely Salomi has got recorded her statement under Section 164 Cr.P.C. in which she has stated that she left the house voluntarily. Moreover co-accused Amrik Masih and Gogi have been granted regular bails by the Hon'ble High Court.

2. Notice of the bail application was given to the State and Additional Public Prosecutor has appeared on behalf of the State and opposed the bail application. I.O. also came present along with police file.

3. I have heard learned counsel for the applicant/accused and learned Additional Public Prosecutor for the State and gone through the police file very carefully.

4. From perusal of the police record, I find that this case was registered on the basis of statement made by Shindu Masih, who got recorded that on 17.12.2017, his younger daughter Salomi was enticed away by Mani with intention to perform marriage with her and his father Amrik Masih, mother Gogi Masih, Sunny Masih and Shera also connived with him. From perusal of the police file, I find that police got recorded the statement of Salomi under Section 164 Cr.P.C., which has been recorded by learned J.M.I.C. Batala (Duty) and Salomi got recorded that she has performed marriage with Joban on 18.12.2017. The present application for anticipatory bail has been filed by the applicants/accused Robin @ Sunny and Shera. The age of Salomi is less than 18 years and as per allegations of

the complainant, his daughter has been abducted by accused with intention to perform marriage with her. First bail application filed by applicant/accused Robin @ Sunny Masih was dismissed by my learned pre-decessor. Present application has been filed on the same ground. The allegations against the applicants/accused are very serious as such he cannot be granted extra ordinary relief of anticipatory bail. I find that proper investigation of the case, custodial interrogation of applicants/accused is required. Even other wise, the Hon'ble Apex Court has held in case titled as **Jai Parkash Singh Vs State of Bihar & another reported as 2012(2) RCR(Crl.) 251** “that Anticipatory bail can not be granted as a matter of rule. Anticipatory bail being an extraordinary privilege should be granted only in exceptional cases”. In the present case, there is no extraordinary or exceptional circumstance. Accordingly, the applicants/accused are not entitled for anticipatory bail. So, the bail application filed by applicants/accused is hereby dismissed. Bail application file be consigned to the Record Room.

**(Pushvinder Singh)**  
**Additional Sessions Judge,**  
**Gurdaspur UID No.PB-0116**

**Date of order:06.09.2018**  
**Raghbir Singh Stenographer-III**

**Robin @ Sunny Vs. State of Punjab**

Present: Shri Paul Sandhu, Advocate, counsel for applicant/accused.  
Shri Kiran Kumar, Additional Public Prosecutor for the State.

I.O. along with police record came present. Arguments heard.

Vide my separate order of even date, the bail application moved by applicants/accused Robin @ Sunny and Shera is hereby dismissed. Police record be returned. Bail application file be consigned to the Record Room.

**(Pushvinder Singh)**  
**Additional Sessions Judge,**  
**Gurdaspur UID No.PB-0116**

**Date of order:06.09.2018**  
**Raghubir Singh Stenographer-III**