

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>BA1 No. 1210 of 2025 <u>Hon'ble Alok Mahra, J.</u></p> <p>Ms. Geetanjali Dhama, learned counsel for the applicant.</p> <p>2. Mr. B.N. Molakhi, learned D.A.G. for the State.</p> <p>3. The applicant – Lakhwinder Singh @ Shamu, who is in judicial custody in connection with FIR/Case Crime No. 58 of 2025, under Section 64 of BNS and Sections 5 and 6 of POCSO Act, registered at P.S.- Nanakmatta, District Udham Singh Nagar, has sought his release on bail.</p> <p>4. Heard learned counsel for the parties and perused the records.</p> <p>5. It is the case of the applicant that an FIR was lodged on 27.02.2025 by the father of the victim, wherein, it was alleged that the applicant raped her minor daughter with the aid of three other friends. Statement of the victim under Sections 161 and 164 Cr.P.C. were recorded, wherein, she has submitted that three persons induced her to go to Mela, which was being held at Gurudwara Nanakmatta Sahib and in the way, when they were going to Mela, they consumed liquor and thereafter called the applicant and then raped her. The FIR was lodged on 27.02.2025 and thereafter medical examination of the victim was also conducted on the same day i.e. on 27.02.2025. As per the medical report, the doctor has opined that hymen of the victim</p>

was ruptured (old and healed). Besides that, there was no injury on any body part of the victim. Statement of the victim was recorded in the court as PW1. In her statement given before the Court, the victim has submitted that she was raped by the applicant on the night of 26.02.2025 and on that date, there was a marriage party going on of the applicant. The incident of rape was witnessed by many people including the BDC member, who took her to home after the incident. The statements of the BDC member were also recorded as PW5, wherein, he has totally denied the version, as submitted by the victim.

6. Heard learned counsel for the parties and perused the record.

7. Considering the statements of the victim and the medical report and the statements of the alleged eye-witness PW5, this Court is of the opinion that the alleged incident did not happen as if the victim who is a minor girl of tender age would have been raped by the applicant, then injuries mark and the report that hymen is ruptured (old and healed) would not have been there and some injuries mark would have been there in the body. As such no live spermatozoa were found in the vaginal swab of the victim, though, the medical report was conducted within 48 hours. Hence, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

8. The bail application is allowed.

9. Let the applicant be released on bail, on his executing personal bond and

furnishing two reliable sureties, each of like amount, to the satisfaction of Court concerned.

(Alok Mahra J.)

10.04.2026

Ujjwal