

بعد الت جنانہ قیصر نڈ پرست  
ڈسٹرکٹ ایڈیشن جج لاہور

Present.....  
Entrusted to.....  
For disposal in accordance with law  
Next date of hearing, i.e., 10.10.2019,

Date.....  
09 OCT 2019

Distt. Sessions Judge  
Lahore

10.10.2019

Present: Mr. Akhiz Mehmood, Advocate, learned counsel for the petitioner.  
Muhammad Kashif, Advocate, learned counsel for the complainant.  
Hafiz Muhammad Shabbir, learned DDPP for the State.  
ORDER:- Received today, be registered.

The petitioner/accused [REDACTED] has applied for his post-arrest bail in case FIR No.2061/19, dated 29.09.2019, offence u/s 376/511 PPC registered at Police Station, Raiwind City, Lahore.

2. Brief allegations against the accused/petitioner are that he with his clothes worn off on 27.09.2019 at about 3:00 p.m. in his house, was seen removing clothes of victim girl aged 5-years for the purpose of rape but on seeing complainant and his wife, he ran away.

3. Arguments heard. Record perused.

4. An affidavit available with file which reads that complainant has entered into compromise. Although the statement has been recorded by learned predecessor but law is very much clear that offence is not compoundable. This is a case of attempt to rape of extremely minor girl aged 5-year. Accused is shown to be aged of 65-year but his medical examination clearly reveals that there is nothing to suggest that he is physically incapable of performing sexual act. Witnesses have not exonerated the accused from any criminal liability and statement of compromise by a father in non-compoundable offence



**[REDACTED]**  
**Vs.**

**The State**

of course, is not permissible by law. Victim is of extreme minor age who was sexually abused. Court in its parental jurisdiction is duty bound to play its role and cannot allow compromise in non-compoundable cases of attempt to rape a girl of 5-year age.

5. Court at bail stage is only to tentatively evaluate the available evidence. Deeper appreciation is not permissible at bail stage. In view of attending circumstances, prima-facie effect of compromise is not tantamount to denial of allegations. Therefore, there exists sufficient incriminating evidence against the accused to connect him with the commission of non-bailable offence punishable with capital punishment.

6. In the light of my above discussion, accused/petitioner is held not entitled to the concession of post arrest bail, thus bail petition of the accused/petitioner **[REDACTED]** is dismissed. Petition be annexed with the main file.



**Muhammad Akhtar Bhangoo**

Addl. Sessions Judge/Child Court, Lahore

**Announced**

10.10.2019