

**In the Court of Rajwinder Kaur,
Additional Sessions Judge, Kapurthala
(UID No.PB0121)**

CNR No.
PBKP010021812020



Case No. BA/1009/2020

Presented on : 30-05-2020

Registered on : 30-05-2020

Decided on : 03-06-2020

Gaurav Sharma @ Ricky Lahoria (aged 28 years) son of Rakesh Kumar resident of PUDDA Colony, Sultanpur Lodhi, District Kapurthala.

.....Accused/applicant

Versus

State of Punjab

....Respondent

FIR No.61 of 21.03.2020
Under Sections 376,420,354-D,506 IPC &
4 POCSO Act
Police Station Sultanpur Lodhi

Bail application under Section 439 Cr.P.C.

Present: **Shri Vikasdeep Singh Nandha**, Advocate, for
applicant/ accused.
Ms. Chetna, Addl. PP for State

ORDER

1. In continuation of the matter with regard to precautionary measures in wake of Pandemic Novel Coronavirus (Covid-19) and in view of the instructions as issued by our Hon'ble High Court, the present bail application is entertained by the undersigned today, being duty officer.

Rajwinder Kaur, Addl.Sessions Judge, Kapurthala (UID No.PB0121)

2. **Gaurav Sharma @ Ricky Lahoria** (accused-applicant)

son of Rakesh Kumar filed bail application under Section 439 Cr.P.C., on the ground that he has been falsely implicated in the instant case. True facts are that he has nothing to do with the commission of alleged offence, and as evident from the statement of complainant herself, no offence under section 376 of Indian Penal Code is made out. Moreover, there is neither any medical examination of the complainant nor there is any other material evidence, due to which after two years of alleged incident, case has been got registered under the pressure of influential person. He is lingering in custody since 21.03.2020. Nothing is to be recovered from him. Being law abiding citizen, he is ready to abide by all terms and conditions, if released on bail. (*Application is duly supported with an affidavit*).

3. Notice of the application was given to learned Additional Public Prosecutor for the State. No reply to the application has been filed but hotly contested the same on the ground that serious allegations have been levelled against applicant/accused.

4. Police record produced by ASI Joginder Singh, No.1263 Kpt., and the same has been perused carefully.

5. I have heard **Sh. VS Nandha**, Advocate, learned counsel for the applicant, **Ms.Chetna**, learned Additional Public Prosecutor for the State and have gone through the police file carefully.

6. Complainant/victim (*name with held*) daughter of Charan Dass, aged about 20 years (DOB 14.6.2000) suffered statement to the effect that in the year 2015, she was studying in 10th standard at SDP Model School, Sultanpur Lodhi. One Rohin Lahoria was also studying in 9th Standard. Ricky Lahoria cousin of Rohin Lahorian sometimes used to drop and pick Rohin Lahoria from school. Ricky Lahoria was introduced to her by Rohin Lahoria. Thereafter, Ricky Lahoria used to call her daily. In this way, they became friends. They were on frequent touch with each other through mobile phones. Sometimes, they went for long drive and during this Ricky Lahoria used to click her photographs. When she opposed, he proposed to marry her. Since, she was minor, so he asked her to wait for sometime. After passage of one and half years, Ricky Lahoria took her to his house on the pretext that he wanted her to introduce with his family. When she went there, no one was at house, by taking advantage of her loneliness, he sexually violated her against her wish, and also recorded obscene video, and when she opposed, he told to trust him and he will delete the same. Ricky Lahoria also kept on meeting her with assurance that he will get the video deleted. Even after passage of other six months, he failed to fulfill his promise, and put off the matter of marriage on one pretext or the other. One day, when she alongwith her mother went to market, saw Ricky Lahoria in car alongwith one lady and child. He telephonically enquired from him about that lady and child, upon which he replied

that his sister and nephew came to them. Thereafter, she saw Whatsapp status of Ricky Lahoria, where photograph of same lady and child was appearing, and it was written as “My family”. He again telephonically contacted him, but he put off the matter. Now, she came to know about the reality of Ricky Lahoria who by telling lie, and on the basis of mis-representation of the facts of his marital life, has sexually violated her. Now, Ricky Lahoria alongwith other boys, is threatening her with dire consequences in case she narrated the occurrence to anyone, and also to maintain relations, as earlier, failing which to get the photographs uploaded and video viral. On the basis of applications, enquiry was conducted and instance FIR under sections 376,420,354-D,506 IPC was got registered, and during the course of investigation offence under section 4 of POCSO Act, was enhanced in the instant FIR.

7. **Sh. Vikasdeep Singh Nandha**, Advocate, counsel for applicant/ accused has vehemently argued that delay of two years in lodging the FIR is sufficient to show that how the false story has been concocted by the complainant in order to defame accused and ruin his family life, who is father of one minor child. True facts are that neither such occurrence ever took place nor there is any direct or indirect evidence to attract the offence under the sections of IPC. Accused is lingering in judicial lock up since the date of arrest i.e. 21.3.2020. Investigation has already been completed and conclusion

of trial certainly is likely to take a long time, and thus prayed for concession of bail.

8. On the other hand, **Ms.Chetna**, learned Additional Public Prosecutor, refuted such arguments and submitted that allegations levelled by complainant for committing rape against her wish by accused are of serious in nature. Complainant was minor girl at the time of occurrence. Thus, prayed for dismissal of bail application.

9. After having considering submissions put forth by counsel for both the parties and perusal of original file reveals that the instant case has been got registered on the basis of chain of the occurrences took place from time to time. As per allegations levelled in FIR, complainant was student of 10th standard and was minor at that time. By taking advantage of her innocence, accused gradually developed friendship and intimacy with complainant. By misrepresenting the facts and telling lie, he had not only concealed his marital status, rather kept complainant under false promise and belief by assuring to marry her. So, keeping in view above facts and gravity of offence committed by accused with clever mind, who sexually violated girl, are of serious in nature. Moreover, investigation is complete and conclusion of trial certainly likely to take a short time. Thus, no ground is made out for concession of bail in favour of applicant/accused. Accordingly, bail application stands **dismissed**.

10. However, this order shall have no effect on the merits of the case. Record returned. File be consigned to the record room.

Pronounced in the open Court
Dt.03.06.2020
(Nirlep Kaur)

(Rajwinder Kaur)
Addl. Sessions Judge,
Kapurthala(Duty)
UID No.PB0121

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Gaurav Sharma Vs State of Punjab

Present: **Shri Vikasdeep Singh Nandha**, Advocate, for
applicant/ accused through Video conferencing.
Ms. Chetna, Addl. PP for State

Arguments on the bail application heard. Vide my separate
and detailed order of even date, the application for bail filed under
section 439 Cr.PC, by *applicant/accused* has been **dismissed**. Police
record returned. File be consigned to the record room.

Pronounced in the open Court

Dt.03.06.2020

(Nirlep Kaur)

(Rajwinder Kaur)

Addl. Sessions Judge

Kapurthala(Duty)

UID No.PB0121

Rajwinder Kaur, Addl.Sessions Judge, Kapurthala (UID No.PB0121)