

**In the Court of Ms.Gurdarshan Kaur Dhaliwal,
Additional Sessions Judge, Kapurthala (UID No.PB0146)**

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CNR No.PBKP010030522019
Bail application No.1029 of 19.06.2019
Decided on 10.07.2019

FIR No.105 of 10.05.2019
Under Sections 354/454/506/384 IPC
and under Section 12 of POCSO Act.
P.S City, Kapurthala.

State	Versus	Anand Kumar aged 20 years son of Kanhaiya Kumar, r/o A-112, Gali No.3, Molar Band Colony, Badarpur Border, South Delhi and also B28, Basantpur Colony, Ismailpur Amar Nagar, SO Faridabad, Haryana.Accused/applicant.
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Bail application under Section 439 CrPC.

Present: Sh. Tek Sharan Sharma, Advocate, for applicant/accused.
Smt. Chetna, Addl. PP for the State.
Sh. Jugraj Singh Kahlon, Advocate, for the complainant.

ORDER

- 1) This order of mine shall dispose of bail application under Section 439 Cr.P.C moved by the applicant-accused Anand Kumar in the above mentioned FIR.
- 2) Notice of bail application was issued to the State and the bail application has been opposed by Addl. PP for the State. Police record produced.

3) The above noted FIR against the applicant-accused Anand Kumar was registered on the basis statement of complainant Rajan Gupta son of Inderjit Singh Gupta, resident of H.No.27, Professor Colony, Kapurthala, PS City, Kapurthala to the effect that he is resident of address aforesaid and doing his business. He further stated that his daughter XXXX aged about 16 years 06 months is studying in 10+2 and she has a mobile phone having No.7888818201 and that for the last 06 months, calls were coming from No.858889118, 8802288119 and 9899568055 on her phone and she was being harassed. He further stated that these phone calls from abovesaid numbers were being made by the accused and that despite his asking, Anand Kumar did not desist from doing so. He further stated that on 09.05.2019 at about 10.30 P.M, he, his daughter XXXX and his nephew Rewat Gupta were sitting in the courtyard of their house and were talking to each other and that suddenly the gate was knocked and Anand Kumar jumped in their courtyard and they all got frightened and went to inside and accused Anand Kumar started doing obscene acts with XXXX and on listening her cries, he and his nephew went to her, then Anand Kumar ran away from the spot advancing threats to their life to them. In the end, he urged for an action against the culprit.

4) Learned counsel for the accused-applicant has contended that the police of P.S. City, Kapurthala has registered a false and frivolous case against the applicant-accused although he is innocent and has not committed any alleged crime and he is in judicial custody since long. He added that earlier the case was registered under sections 354/454/506 IPC but now the police added section 354/454/506/384 IPC vide Rapat No.29 dated 15.05.2019 and that no offence under Section 454 IPC is made out and nothing is to be recovered from him and that the applicant-accused will abide by all the terms and conditions imposed upon him by the learned court. In the end, he submitted that accused may kindly be released on bail.

5) On the other hand, learned Addl.PP for the State has opposed the bail application on the ground of gravity of offence and has prayed for dismissal of the bail application.

6) I have heard both the sides carefully and have also perused the record on file. Having heard both the sides carefully, I find that the allegations as levelled against the applicant-accused in this FIR, are of serious nature. Because the applicant-accused has been alleged to have been harassing the daughter of the complainant by making phone calls to her on her mobile number from different phone numbers. As claimed by the prosecution despite asking by the complainant, he did

not desist from doing so. He has been further alleged to enter into the courtyard of the house of the complainant at late night hours i.e. 10.30 P.M. and to have committed obscene acts with his daughter XXXX.

7) As per record, the XXXXX i.e. daughter of the complainant was produced before learned Illaqa Magistrate also where her statement under Section 164 CrPC was recorded and in the said statement got recorded by her with learned Illaqa Magistrate on 15.05.2019, she further levelled more serious allegations against him. Such like crimes against the minor girls are on high rise. The situation is very alarming. The culprits need to be dealt with strictly. Hence keeping in view the gravity of offence and the serious nature of allegation levelled against him by XXXX in her statement recorded under Section 164 CrPC, I do not deem it a fit case where the applicant-accused should be extended the concession of bail. Hence, the present bail application filed by the applicant-accused Anand Kumar is hereby ordered to be dismissed being without any merit. However any observation made in this order shall have no bearing effect on the merits of the case. Bail application file be consigned to Judicial Record Room.

Pronounced in open Court
Dt.10.07.2019
(Arun)

(Gurdarshan Kaur Dhaliwal),
Additional Sessions Judge,
Kapurthala (UID No.PB0146)

Anand Kumar Vs. State

CNR No.PBKP010030522019

Bail application No.1029 of 19.06.2019

Present: Sh. Tek Sharan Sharma, Advocate, for applicant/accused.
Smt. Chetna, Addl. PP for the State.
Sh. Jugraj Singh Kahlon, Advocate, for the complainant.

Police record produced. Arguments heard. Vide my separate and detailed order of even date, the bail application filed by applicant-accused Anand Kumar has been dismissed. Bail application file be consigned to Judicial Record Room.

Pronounced in open Court
Dt.10.07.2019
(Arun)

(Gurdarshan Kaur Dhaliwal),
Additional Sessions Judge,
Kapurthala (UID No.PB0146)