

UNIQUE IDENTIFICATION NO. PB-00086
In the Court of Shri Avtar Singh
Additional Sessions Judge, Pathankot

CNR No. PBOO1 000126 2021
BA/38/2021

FIR no.214 of 10.10.2020
Under Sections 376, 417, 506 IPC
P.S. Division no.2, Pathankot.

Amit Kumar, aged 28 years, son of Shri Subash Kumar, resident of
Bharoli Kalan, Pathankot, Tehsil and District Pathankot.

Applicant-accused

Versus

State of Punjab

Fist bail application under Section 439 of Cr.P.C.

Present:- Shri Gaurav Shariya Advocate counsel for applicant-accused.
Smt. Ambica Gupta Additional Public Prosecutor for the
State

ORDER

1. My this order will dispose of bail application under Section 439 of the CrPC submitted by applicant-accused Amit Kumar, aged 28 years, son of Shri Subash Kumar, resident of Bharoli Kalan, Pathankot, Tehsil and District Pathankot.

2. Notice of the bail application has been given to the State.

3. Brief facts of the case are that the FIR was registered on the statement of victim that she is house hold lady. In the year 2012, she went to Tibri Cantt. for +2 exam where applicant-accused also gave the exam

of +2. She met with applicant-accused and he chased her for long time and applicant-accused stated to complainant that he wanted to friendship with her. Telephonic conversation was started between complainant and applicant-accused. In the year 2014 applicant-accused⁰ had gone to Dharamshala where he call her and her friend Monika at Dharamshala, and then applicant-accused along with her friend Monika went to Dharamshala to meet applicant-accused and for one night, they both stayed in hotel of friend of applicant-accused and on the next day the victim along with her friend came back to Pathankot. When complainant reached in her house at Pathankot then applicant-accused gave telephone and she told to him that she wanted to friendship with him if applicant-accused solemnize marriage with her and thereafter, applicant-accused started talking with her off and on. In the year 2016, her Visa for Singapore was matured. The applicant-accused again starting making phone calls to her. He said to her that she should not go to Singapore and come to Chandigarh where he adjust her at Chandigarh on a job. On the asking of applicant-accused Amit Kumar, she did not go to Singapore and gone to Chandigarh, where applicant-accused adjusted her at Internet call Centre. Applicant-accused was also doing job there. They both doing the job at Internet Call Centre for one year and during that tenure, applicant-accused committed rape with her against her wishes on the pretext of marriage in different hotels JM Plaza, Platinum, Black Gold at Chandigarh. He also clicked obscene videos and whenever she asked him to marry her, then he always put off the matter on one pretext or the year. Applicant-accused used to make physical relations with him from the year

2016 to 27th of January, 2020. He also used to give her pills tablets as once she became pregnant. He also used to say her that if she disclosed about the physical relations to any one, then he will cause damage to her and her family members. He also threatened her to upload the obscene videos, photographs of victim on Internet. Her life has been ruined by the applicant/action. Legal action be taken against the applicant/accused. Investigation in the present case was initiated and the present case under Sections 417, 376, 506 of IPC was registered against the applica

4. I have heard Learned Additional Public Prosecutor for the State, learned counsel for the accused/ applicant.

5. Learned Assistant Public Prosecutor for State argued that there are specific allegations against the accused that he committed the rape with the victim against he wishes on the pretext to marry her and also threatened to upload the obscene videos and photos on Internet. Accused is not entitled for concession of bail and his bail application must be dismissed.

6. On the other hand, learned counsel for accused-applicant has argued that applicant-accused has been falsely implicated in this case. The applicant-accused is in judicial custody for the last more than two months. The story of the FIR is totally concocted. Complainant and applicant-accused were on friendly terms and for the sake of friendly terms, applicant-accused got Sonia and her friend Monika employed in Intel Net Company, Mohali. He be granted bail.

7. From the submissions of learned counsel for the applicant/ accused, learned Assistant Public prosecutor for the State and from

perusal of the file, it is clear that there are specific allegations against the applicant/accused that he has committed sexual assault with her without her consent on the pretext to marry the victim and also threatened to upload the obscene videos and photographs on Internet. The offence is of serious in nature. No ground is made out to the grant the concession of bail to the accused/applicant. The present bail application is therefore dismissed. Copy of this order be sent to the SHO PS concerned for information. Bail application file be consigned to the records.

(Avtar Singh),
Additional Sessions Judge
Pathankot/UID-PB-00086

Date of order: 03.02.2020
(Mandeep Singh Rana)
Stenographer-II