

***In the Court of Mrs. RAJWINDER KAUR,
Additional Sessions Judge,
Kapurthala.
(UID No.PB0121)***

*BA. No.1818 of 01.10.2019
CIS BA No.3784/2019
CNR No.PBKP0100-5139-2019
Date of Order: 16.10.2019*

State Versus **Raj Kumar** aged 34 years son of Kasturi
Lal, resident of House No.123/12, Bhargo
Camp, Jalandhar.

.....Accused/applicant.

FIR No.138 of 07.09.2019
U/Ss 354/354-A IPC
Police Station Satnampura, Phagwara

Bail application under Section 439 Cr.P.C.

Present: **Sh.Raghav Dhir**, Advocate, for applicant/accused.
 Ms. Chetna, Addl. PP for State.

ORDER

1. **Raj Kumar** (*accused-applicant*) filed instant application under Section 439 Cr.P.C. for grant of regular bail, on the ground that he is innocent and has nothing to do with the alleged crime and is in judicial custody since 07.09.2019. It is submitted that presentation of challan and conclusion of trial shall take long time and no useful purpose will be served by keeping the applicant-accused behind the bars. Being law abiding citizen, he is ready to abide by all the terms and conditions, if he be released on bail. (Application is duly supported with affidavit).

2. Notice of the application was given to the learned Addl. PP for the State. No reply to the application has been filed but hotly contested the same.

3. Police record requisitioned and received.

4. Complainant/victim (name withheld) suffered statement to the effect that she is student of Bio-Tech 4th semester of Lovely Professional University. After attending her class, when she was crossing Phagwara Bridge, constructed in front of Lovely Professional University, one Hindu gentleman started stalking her. When she reached near the stairs of bridge, that Hindu gentleman, forcibly caught hold her from back and started committing obscene/indecent acts. Accused also touched her from chest. She raised hue and cry. Virpal Kaur daughter of Virsa Singh (friend) and other students of Lovely Professional University, attracted to place of occurrence and rescued her from that boy. Accused managed to flee away from the spot. She came to know the name of accused as Raj Kumar son of Kasturi Lal, and the instant case under Sections 354/354-A IPC was got registered.

5. **Sh.Raghav Dhir, Advocate**, counsel for **Raj Kumar (*applicant-accused*)** has vehemently argued that the allegations levelled in the FIR are completely false. The place of occurrence is thoroughfare. No independent person has been named, who had witnessed the occurrence and it is highly probable that once so many students were assembled at the spot, they will let the accused to go. It is submitted that accused has been named in the FIR whatever, has

been asked by the other persons. Thus, identification of the accused, has not been established. Investigation is still pending and the presentation of challan shall taken long time, so prayed for releasing the applicant-accused on bail.

6. On the other hand, **Ms.Chetna**, Id.Addl. PP for the State, has refuted such arguments and submitted that accused is specifically named in the FIR. During investigation, identification parade of accused was arranged by the Investigating Officer and he was very much identified by the victim on 07.09.2019, and opposed the prayer.

7. After having considering submissions put forth by counsel for both the sides and perusal of the FIR reveals that there are specific allegations levelled by the complainant/victim by naming accused of stalking and thereafter, outraging her modesty. It is very strange that the students (young girls) are not safe, even at the public places and atrocities against the women are rising day by day. So, keeping in view the gravity of offence, no ground is made to release the applicant-accused, on bail. Hence, the application moved by **Raj Kumar (*applicant-accused*)** for bail, is hereby dismissed.

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

Pronounced in the open Court
Dt.16.10.2019
(Mohinder Kumar)

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

Raj Kumar Vs State
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Present: **Sh.Raghav Dhir**, Advocate, for applicant/accused.
Ms. Chetna, Addl. PP for State.

Arguments heard on the bail application. Vide my separate and detailed order of even date, the application under Section 439 Cr.P.C. for grant of regular bail, having been filed by **Raj Kumar (applicant-accused)** has been **dismissed**. File be consigned to the record room.

Pronounced in the open Court
Dt.16.10.2019
(Mohinder Kumar)

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