

**In the court of Ms. Neelam Arora, Addl. Sessions Judge,
Hoshiarpur, UID No. PB-0091**

CIS No. 1815 of 2019
CNR No. PBH0010076882019
BA No. 132 of 30.4.2019
Date of order: 19.08.2019.

Arvind Kumar s/o Bansi Lal resident of AR-18, Arjun Nagar Distt.
Riwari, Haryana.

--Accused-applicant

Versus

State of Punjab

-- Respondent.

FIR No. 184 dated 16.11.2017
U/s 363,366A of IPC,
Police Station: Sadar, Hoshiarpur.

Application U/s 439 Cr.PC for grant of regular bail

Present: Shri Harinder Singh Flora, Advocate for applicant-accused.
Shri T.S Grewal Addl. PP for the State.

ORDER:

1. This order of mine shall dispose off an application for regular bail moved by the applicant-accused Arvind Kumar.
2. As per allegations in brief, the present case was registered against the accused on the basis of an application moved by Anju, wife of Pawan Kumar against applicant-accused for having enticed the prosecutrix, after giving sedation to the complainant. It is alleged in the application that complainant alongwith her family is residing as tenant in the house of applicant-accused for the last 2 years. Applicant-accused used to visit the house on the pretext of supervision. On 2.11.2017, complainant alongwith her daughter i.e. prosecutrix was present in the house. In the meanwhile, a phone call was received from

the applicant-accused and prosecutrix went outside for answering the phone. Sometime later, prosecutrix prepared tea for the complainant. On drinking tea, complainant felt sleepy. At about 2:30/3:00 pm, the younger children of complainant came from school. They woke up the complainant and on getting up complainant realized the prosecutrix was not present in the house. The complainant started searching for the prosecutrix, but was unable to find any clue about the prosecutrix. When the complainant checked her mobile phone, she realized that applicant-accused had called the daughter of complainant and had enticed her. While going, prosecutrix has taken two gold rings, one gold chain and currency notes of Rs. 20/25,000/-.

3. The learned counsel for the applicant-accused has argued that the applicant-accused is innocent person and he has been falsely implicated in the present case. He has further argued that the applicant-accused has been declared proclaimed offender vide order dated 24.01.2018. Now he has surrendered before the Illaqa Magistrate on 12.7.2019 and since then he is in judicial custody. He has further contended that no useful purpose would be served by keeping the accused behind the bars. So it is prayed that applicant-accused may be released on bail.

4. The application has been opposed by the learned Addl. PP for the State on the ground that the applicant-accused has already been declared proclaimed offender and the conduct of the applicant of

absconding from the trial does not entitle him to the concession of bail. Hence it was prayed that bail application may be dismissed.

5. I have carefully considered the submissions of the parties and have gone through the record. Perusal of record would show that first, second and third bail applications moved by the applicant-accused seeking pre-arrest bail have already been dismissed vide order dated 1.5.2018, 27.11.2018 and 2.7.2019. Further perusal of record would show that the FIR in this case was registered on 16.11.2017 and challan against the accused was presented in the court of Illaqa Magistrate on 02.11.2018. The accused-applicant has already been declared proclaimed offender vide order dated 24.01.2018. Thereafter, the applicant-accused surrendered before the Illaqa Magistrate on 12.7.2019 and was sent to Judicial custody. Now the applicant-accused has approached this court seeking regular bail. The present case is, thus, a case in which the minor prosecutrix was allegedly taken away by the applicant-accused from the lawful guardianship of her maternal aunt and was kept in his unlawful custody since the date of her kidnapping on 2.11.2017 till 31.10.2018, on which date the applicant-accused solemnized marriage with prosecutrix. The entire act and conduct of the applicant-accused shows that applicant-accused has not only willfully turned his back to the court and legal process, he has endeavored to take the entire legal process for a ride by first keeping the minor girl in his illegal custody and thereafter, not submitting to the process of law. In the meanwhile, applicant-accused has already

been declared proclaimed offender by the court of learned Illaqa Magistrate. So keeping in view the facts and circumstances as above, the applicant-accused is not entitled to the concession of regular bail. As such the application in hand is dismissed. Record of trial court be sent back immediately. File of bail application be consigned to record room.

Announced:
Dt. 19.8.2019

(Kulvinder Singh)
Stenographer-II

(Neelam Arora)
Addl. Sessions Judge
Hoshiarpur
UID No. PB-0091