

**In the Court of Ms. Neelam Arora, Addl. Sessions Judge,
Hoshiarpur**

UID No. PB0091

Bail Application CIS No. 1605 of 4.8.2020

CNR No. PBH00100 3953 2020

Date of decision: 13.8.2020

Sandeep Kumar @ Prince aged 22 years son of Jagtar Ram, resident of village Salimpur, PS Mehtiana, District Hoshiarpur.

.... Applicant/accused

Versus

State of Punjab.

.... Respondent

FIR No. 137 dated 13.9.2019

Under Sec. 363, 366A, 376 IPC, 1860

and Sec. 6 of POCSO Act, 2012

PS : Sadar, Hoshiarpur

Application for regular Bail

Present: Shri GS Rehill, Advocate for applicant/accused
Shri Gurpreet Singh, Addl. PP for the State

ORDER

1. This order of mine shall dispose off an application moved by afore mentioned applicant/accused, seeking regular bail in instant case.

2. Notice of bail application was given to the State through Ld. Addl. PP for the State and the record was requisitioned.

3. The learned counsel for applicant/accused has argued that initially the present case was registered against some unknown person and later on, the applicant/accused has been falsely involved in the present case. He has submitted that the applicant/accused was arrested

on 13.9.2019 and since then he is in custody. It is argued that the allegations against the applicant/accused are false and concocted one. It is further submitted that no useful purpose will be served by keeping the applicant/accused in custody any more and the trial is pending before this court, the conclusion of which shall take time. With these submissions, the learned counsel for applicant/accused has prayed that applicant/accused may be released on bail.

4. On the other hand, the learned Addl. PP for the State has resisted the bail application on the ground of serious nature of offence and submitted that the applicant/accused is facing trial before this court with the allegations that he has kidnapped the minor prosecutrix out of the lawful guardianship of her parents, committed repeated rape as well as aggravated penetrative sexual assault upon minor prosecutrix, under 16 years of age. There are also the allegations against the applicant/accused that he has wrongfully confined the prosecutrix from 12.9.2019 to 15.9.2019. The learned Addl. PP for the State further submitted that in his supplementary statement dated 14.9.2019, the complainant has specifically named the applicant/accused that it is applicant/accused Sandeep Kumar @ Prince, who has enticed away his minor daughter/prosecutrix on 12.9.2019 from her school. Also, it is argued that the prosecutrix was recovered from the possession of applicant/accused on 15.9.2019. Hence, the learned Addl. PP for the State prayed for dismissal of bail application.

5. Heard. Record perused. The criminal law in the present case was set into motion on the basis of statement dated 13.9.2019 having been made by complainant Ashwani Kumar, who has alleged that her minor daughter/prosecutrix, whose date of birth is 26.11.2005, has gone to her school on 12.9.2019 but did not return home. Thereafter, he enquired about the prosecutrix from the school as well as relatives but no clue was made about her. He is of firm belief that his daughter aged about 14 years has been enticed away by some unknown boy. Thereafter on 14.9.2019, complainant Ashwani Kumar got recorded his supplementary statement to the effect that earlier in his statement on 13.9.2019 being nervous, he could not record the fact in his statement that in the month of April 2019, he along with prosecutrix and other family members had gone to attend the marriage at village Narial, where accused Sandeep Kumar has also come and he became known to his daughter/prosecutrix. Thereafter, Sandeep Kumar used to talk with prosecutrix on phone. He is of firm belief that Sandeep Kumar @ Prince has enticed away his daughter/prosecutrix on 12.9.2019 from the school. Accordingly, Sandeep Kumar was arrested on 15.9.2019 and the prosecutrix was recovered from his possession. Now the applicant/accused is facing trial before this court under Sec. 363, 366, 376(3), 365 of Indian Penal Code, 1860 and Sec. 6 of POCSO Act, 2012 with the allegations that on 12.9.2019, applicant/accused has kidnapped prosecutrix, a minor under 16 years of age, out of the lawful

guardianship of her parents and repeatedly committed rape upon her and secretly and wrongfully confined her from 12.9.2019 to 15.9.2019. There are also allegations against him that the applicant/accused committed aggravated penetrative sexual assault upon prosecutrix a child. The allegations against the accused are extremely serious in nature. No ground is, therefore, made out to extend the concession of regular bail to the accused/applicant. The bail application is accordingly dismissed. Papers be attached with the main challan file.

Announced
13.8.2020
baljinder

(Neelam Arora)
Addl. Sessions Judge
Hoshiarpur
UID No. PB0091

Sandeep Kumar vs State CIS No. 1605 of 2020
CNR No. PBH00100 3953 2020

Present: Shri GS Rehill, Advocate for applicant/accused
 Shri Gurpreet Singh Addl. PP for the State

 Main challan file produced. Arguments heard. Vide my
separate detailed order of today, bail application filed by
applicant/accused has been dismissed. Bail application file be attached
with the main challan file.

Announced
13.8.2020

baljinder

(Neelam Arora)
Addl. Sessions Judge
Hoshiarpur
UID No. PB0091