

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.19712 of 2019
Date of decision: 29th May, 2019

Aakash Kapur

... Petitioner

Versus

Union Territory Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Atul Lakhanpal, Senior Advocate with
Ms. Bably Kumari, Advocate for the petitioner.

Mr. Kuldeep Tiwari, Addl. Public Prosecutor UT Chandigarh
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Aakash Kapur in first anticipatory bail application filed under Section 438 Cr.P.C. in case bearing FIR No.0044 dated 03.04.2019 registered at Police Station Sector 19, Chandigarh under Sections 354, 354A, 354D IPC have been levelled by a girl aged around 18 years, a student of local college of Chandigarh. In her allegations, the complainant claims that in the month of June 2018 she met one Karan Khanna accused non-applicant and after they became friends and used to meet each other, in the month of October/November 2018 accused Karan Khanna non-applicant has offered the complainant to develop physical relations to which the girl declined and subsequently on 01.04.2019 accused Karan Khanna along with the present petitioner Aakash Kapur had taken the complainant to a public place where both of

them asked for sexual favour to which the complainant declined but it is alleged that both the accused touched her inappropriately, leading to registration of the present case.

Learned counsel for the petitioner Mr. Atul Lakhanpal, Senior Advocate assisted by Ms. Bably Kumari, Advocate inter alia contends that the complainant is a grown up girl, a major, and false insinuations have come about for a motivated cause and that nothing is to be recovered from the petitioner and that the principal accused Karan Khanna has been arrested, and thus, prayed for grant of the relief.

Learned State counsel Mr. Kuldeep Tiwari, Addl. Public Prosecutor UT Chandigarh on instructions from SI (Ms.) Kulwinder Kaur, Police Station Sector 19, Chandigarh though does not displace the facts that have been canvassed before this Court by learned counsel for the petitioner but has stoutly opposed the grant of bail on the grounds that custodial interrogation of the petitioner is very much necessary.

Appreciating the submissions of the two sides, in the light of allegations levelled and the fact that the complainant happens to be a major and in view of the offences for which the petitioner has been hauled up, it is not a case for custodial interrogation. Accordingly, in the event of arrest, petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions

specified under Section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 29, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No