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IN THE HIGH COURT OF DELHI AT NEW DELHI

DECIDED ON : 28th SEPTEMBER, 2016

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BAIL APPLN. 1197/2016

PRADEEP DAHIYA

..... Petitioner

Through : Mr.Ramesh Gupta, Sr.Advocate with
Mr.Navneet Panwar, Advocate.

VERSUS

THE STATE (NCT OF DELHI)

..... Respondent

Through : Mr.Raghuvinder Varma, APP with SI
Neelam, PS Nangloi.
Mr.Himanshu Mehra, Advocate with
Mr.Manish Kumar, Advocate for the
complainant.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

1. The petitioner seeks anticipatory bail in case FIR No.575/2014 registered under Sections 354/506/509/354D IPC at PS Nangloi. Status report is on record. I have heard the learned counsel for the parties including the counsel for the complainant and have examined the file.

2. Learned Senior Counsel for the petitioner urged that false and motivated allegations have been levelled against the petitioner by the complainant. Both of them had met together in a training programme. They became friendly and it resulted in an 'affair'. After the training, finished on

04.06.2013, both of them continued to meet each other regularly; they used to have long conversations on mobile phones. Subsequently, the complainant insisted the petitioner to divorce his wife and to marry her; he declined to do so. Subsequently, the complainant's marriage was fixed with one Pritam Singh against her wishes. The petitioner did not interact with the complainant since 12.12.2013 due to her engagement. Later on the petitioner was contacted by Pritam Singh to know about his relationship with the complainant. He met Pritam Singh on various occasions and tried to remove his doubts. At his request, he even forwarded photographs of the complainant. On the request of the complainant's father, the petitioner gave in writing before the police officials at PS Kanjhawala that he did not have any relations with the complainant to enable Pritam Singh to pacify.

3. Learned senior counsel further urged that in the earlier bail application bearing No.2283/2014 before this Court, interim protection was granted to the petitioner. He had joined the investigation. A charge-sheet has been filed in June, 2015. Due to inadvertence, it was informed that since the bail has been granted by the Court below, the said bail application be dismissed as withdrawn. The correct position was that the petitioner had got bail in FIR No.60/2015.

4. Bail is opposed by the complainant. In response to the bail application, the complainant urged that the petitioner used to extend threat to her and her in-laws after her marriage. He attempted to ruin her matrimonial life. Despite apology tendered before police on 04.05.2014, he did not change and continued to stalk her. Another FIR No.60/2015, PS Mundka was lodged against the petitioner.

5. Admitted position is that petitioner is a married person and has two children. The complainant was unmarried when both of them had met in a training course in 2013. Contents of the FIR disclose that the petitioner used to harass her on one pretext or the other; he used to make taunting remarks against her. The complainant got married in February, 2014. However, there was no change in the behaviour of the petitioner and he continued to harass her. He had uploaded a photograph of hers on Whats App. Pursuant to the complaint lodged by the complainant on 04.05.2014, the petitioner put appearance before the Police Station Kanjhawala and tendered apology. He admitted to have harassed the complainant at the behest of his 'union'. Due to the apology tendered by the petitioner, the complainant did not pursue the complaint. It did not deter the petitioner and he continued to stalk her. He even allegedly contacted her in-laws. The complainant was forced to lodge the instant FIR. Despite getting interim protection, the petitioner misused the liberty and allegedly threatened the complainant for which another FIR 60/2015, PS Mundka was lodged on 05.02.2015. The petitioner has since been granted bail in the said FIR.

6. The petitioner had admittedly contacted the complainant's husband Pritam Singh and forwarded the photographs of the complainant to him. It is alleged that photograph of the complainant was removed from Whats App only after an hour of the registration of the FIR. Apparently, the petitioner had no justification to contact complainant's in-laws and to apprise them about his relationship with her. Needless to say, the petitioner attempted to interfere with her matrimonial life. Allegations against the petitioner are serious whereby he allegedly attempted to ruin complainant's matrimonial life despite his having a wife and two children.

7. Considering the gravity of the offence and serious allegations against the petitioner, no sufficient grounds exist for grant of anticipatory bail. Even proceedings under Sections 82 & 83 Cr.P.C. have been initiated against the petitioner before the Trial Court.

8. The bail application is dismissed.

9. Observations in the order shall have no impact on the merits of the case.

(S.P.GARG)
JUDGE

SEPTEMBER 28, 2016 / tr

