

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

CRM-M-62161-2018 (O&M)
Date of Decision:- 5.9.2019

Nikhil Alva

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Puneet Bali, Senior Advocate with
Mr Rubai J. Singh, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.

1. The petitioner Nikhil Alva has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.203 dated 4.12.2018 under Sections 354-D and 509 IPC at Police Station DLF, Phase-3, District Gurugram.
2. The FIR was registered at the instance of Ravita Rathee wherein it has been alleged that she is a home maker and she resides along with her two children and her mother-in-law in Lagoon Residential Apartments, Gurugram and that her husband, who is working overseas, is away most of the time. It is alleged that an e-mail group has been formed by residents of Lagoon Residential Apartments, Gurugram as a platform for discussions on various issues relating to their residential complex. The complainant as well as the accused Nikhil Alva and another 343 residents are members of the said

group. It is alleged that she has been targeted on this group by the petitioner so as to cast malicious and false aspersions against her. It is alleged that Nikhil Alva has written several mails from his mail ID which even contained unwelcome sexual overtones using inappropriate and offensive language. It is alleged that Nikhil Alva has abused her by calling her 'voyuer', 'fake' 'disgraceful', 'a con', 'liar', 'manipulative', 'shrewd', 'obsessed', 'incredibly sick', 'twisted brain' and 'psychotic lady'. It is further alleged that Nikhil Alva has also instigated other residents of the locality to cause damage to her house. It is alleged that on account of aforesaid acts of accused Nikhil Alva, even the neighbours of the complainant had started criticising the complainant unnecessarily and have formed their opinion on the basis of the mails sent by Nikhil Alva.

3. The learned counsel for the petitioner has submitted that even if the allegations as levelled in the FIR are taken to be correct, still no offence under Section 354-D or 509 IPC can be said to be made out and that at best, it is a case of usage of some inappropriate language and the same cannot be interpreted to mean that the petitioner ever intended to indulge in stalking.
4. Opposing the petition, the learned State counsel has submitted that since the contents of e-mails would show that the language used therein is far from being termed as a decent language, no case for grant of anticipatory bail is made out. It has, however, been informed that the petitioner has since joined investigation.
5. I have considered rival submissions addressed before this Court. It is apparently some kind of verbal spat which had been going on through e-mails. Although the language used in the e-mails sent by the petitioner is

certainly far from being a decent language but the same may not constitute any offence in the nature of stalking or be treated as an act intended to insult the modesty of a woman. The petitioner, in any case, is stated to have joined investigation. The case is not such which would warrant custodial interrogation. The petition, as such, is accepted subject to the condition that the petitioner shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C. The petitioner shall make available to the Investigating Officer, as and when directed, the laptop/computer/ipad used by the petitioner for accessing/sending e-mails and shall not delete any e-mail account or e-mails.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.
7. The petition stands accepted accordingly.

5.9.2019

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No