

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH
(Heard through VC)**

CRM-M-42797 of 2020 (O&M)
Date of Decision: December 18, 2020

Puneet Shukla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Hari Om Sharma, Advocate
for the petitioner.

JAISHREE THAKUR, J.

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in the event of arrest in FIR No.223 dated 07.07.2020, registered under Sections 354-D, 506, 509 of Indian Penal Code and Sections 67/67-A of Information Technology Act at Police Station City Sangrur, District Sangrur.

2. Learned counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case, as the allegations as set out in the FIR are not sustainable. It is argued that the complainant and her husband requested the petitioner to help and guide them in purchasing a flat at Puri near the flat of the petitioner, consequently, the complainant and her husband also visited Orissa to see the flats in Puri

and stayed at the house of the petitioner. It is submitted that thereafter an agreement was also executed between the complainant and owner of Flat No.6-E, Block-9, Club Krishna Sea Sight, Puri, Orissa and an advance was also paid. However, later on, the complainant refused to purchase the said flat and started compelling the petitioner to get their advance refunded from the seller. It is further submitted that when the petitioner showed his inability to get the refund of advance as sought by the complainant and her husband, he was threatened with dire consequences. It is contended that the allegations levelled by the complainant against the petitioner of sending objectionable messages to her are totally false and wrong and the same have been levelled in order to settle the score as the petitioner was unable to get their money refunded which they had paid as earnest money to purchase a flat. It is also submitted that if the petitioner had sent objectionable messages, the complainant could have blocked his number, but she did nothing of the sort, which shows malafide intention of the complainant to implicate the petitioner in the instant case.

3. Notice of motion.

4. At this stage, Mr. Hittan Nehra, Addl. AG Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State. Similarly, Mr. Vikas Chatrath, Advocate accepts notice on behalf of the complainant. Learned counsel for the complainant also places on record a pen drive of the audio recording between the petitioner and the complainant.

5. Learned counsel appearing on behalf of the respondent—State

as well as complainant would submit that the petitioner was sending objectionable messages to the complainant, despite repeated objections by the complainant. It is argued that when the complainant brought this fact to the notice of her husband and her son, hot words were exchanged between the petitioner and her son on telephone. It is also contended that the material available on record clearly makes out the offences as alleged and as such, the petitioner is not entitled to the concession of anticipatory bail.

6. I have heard counsel for the parties and have gone through the pleadings of the case.

7. Admittedly, the complainant is the real sister of the petitioner's wife. As per the allegations levelled in the FIR, despite the objections raised by the complainant, the petitioner kept on sending the objectionable messages and pictures to the complainant. Learned Additional Sessions Judge, Sangrur, while dismissing the anticipatory bail application of the petitioner, has observed that there is an audio recording, which is part of the police record and on hearing the said recording, it is revealed that the petitioner was using lewd remarks and was threatening the complainant and her family members and use of the said language itself shows the conduct of the petitioner. There are serious allegations that have been levelled against the petitioner. To cull out the investigation, mobile phone of the petitioner is required by the investigating agency. Under these circumstances, once custodial interrogation of the petitioner is required for a result oriented investigation, this court is not inclined to grant anticipatory bail to the petitioner.

8. In view of the above, the instant petition is hereby dismissed.

18.12.2020
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No