

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

CRM-M No.32506 of 2020 (O&M)

Date of Decision:11.10.2021

(Heard through VC)

Sandeep Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Berwal, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Rao Ajender Singh, Advocate
for the complainant.

JAISHREE THAKUR, J. (ORAL)

Short reply filed by way of affidavit of Raj Singh, Deputy Superintendent of Police, CAW, Kaithal on behalf of the respondent-State is taken on record.

This is a petition that has been filed for grant of anticipatory bail to the petitioner in FIR No.0100 dated 19.08.2020 registered under Sections 354-A, 376(2)N, 506, 509, 384 IPC at Police Station Women, Kaithal, Haryana.

In brief, the facts as alleged are that an FIR was registered at the behest of the prosecutrix on allegations that the prosecutrix was subjected to indecent behaviour, making of illegitimate relation on blackmailing by the petitioner herein. On the offer of job by the petitioner, which would give salary of ₹35,000/- per month, the complainant left her job with AU Small Finance Bank and joined him. While working, the petitioner behaved

indecently with the complainant, who yelled and shouted to him as to what he was doing, on which he apologized and said it would not happen again. The complainant informed the petitioner that she was married and not to behave indecently. The petitioner came to the house of the complainant and told her that he had made a video of the incident when he had caught her from behind and had tried to molest her. With that video, he threatened her and made physical relationship with her. Out of fear, she did not disclose this to her husband, however, the petitioner did not stop and started demanding her gold ornaments otherwise he would upload her video. There are specific allegations in the FIR as to how and when the petitioner blackmailed the complainant and subjected her to physical abuse. The complainant also blocked the phone number of the petitioner herein but he started calling her from another phone. It was when she started receiving abusive message that a complaint was made to the police.

Learned counsel appearing on behalf of the petitioner herein would contend that the allegations as set out in the FIR are wrong. In fact, the complainant along with Surinder Fauji was running a computer centre but she left her job and started online shopping company in the name of 'Shopping Planet'. Believing her, the petitioner started investing in Shopping Planet and deposited approximately ₹4 lakhs with the complainant. Out of this, approximately ₹1.5 lakhs were deposited through online payment and the rest of money paid in cash to the complainant and it is when he asked her to return the money that the present FIR came to be registered.

Based on the arguments raised, a Coordinate Bench of this Court directed the petitioner to present himself before the Investigating

Officer and join investigation vide order dated 14.10.2020.

Pursuant to joining investigation, learned counsel appearing on behalf of the respondent-State would submit that the petitioner is not cooperating with the investigation.

At this stage, appearance has been caused on behalf of the complainant, who has also furnished her reply to the said petition stating that false averments have been made to the Court in order to obtain interim protection. It is submitted that the company namely 'Shopping Planet' actually belongs to the petitioner herein and not to the complainant as averred in the Court. It is the petitioner, who had offered a job to the complainant as would be evident from Annexure C/1. There is also enough evidence available in the form of bank statements of the complainant wherein an amount of ₹8 lakhs had been taken from the complainant for investment in his company. It is when the complainant and her husband asked the petitioner to return their amount that he had offered a job in the Shopping Planet. When the complainant started working with the petitioner, she was molested and raped by him and he continued to blackmail her on the pretext of uploading objectionable videos and photographs. It is also argued that the complainant was fearful that her husband's image in the society would be ruined in case these photographs/video was uploaded on the website. It is also submitted that the petitioner after getting interim bail has been openly threatening the complainant and her family members with elimination especially the minor daughter. It is also argued that apart from having borrowed money from the husband of the complainant, the petitioner also has several cases pending against him in which he has been declared as

a proclaimed offender. It is argued that the allegations made that the petitioner herein had given loan to the complainant would be falsified from the evidence available that the amount returned was towards repayment of ₹8 lakhs taken from the complainant/complainant's husband.

I have heard learned counsel for the parties and find that the allegations as set out in the FIR are specific pertaining to sexual harassment faced by the complainant at the hands of the petitioner herein along with instances of him blackmailing her by threatening to upload objectionable videos and photographs, which he had managed to take. It is also worthwhile to note that the petitioner while asking for interim protection had categorically made a false averment that the complainant is the owner of the Shopping Planet whereas the document as relied upon by the complainant would reflect that it is the petitioner, who is the proprietor of the said business. Annexure C/1 placed on record would also reflect that it is the petitioner, who had offered a job to the complainant. Custodial interrogation of the petitioner would also be required in view of the fact that the counsel appearing for the respondent-State has submitted that the petitioner is not cooperating in the investigation.

In view of the aforesaid facts and circumstances, this Court does not find any ground to confirm the interim bail granted to the petitioner. Consequently, the instant petition stands dismissed.

October 11, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No