

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

CRM-M-13027-2022

Date of decision : 29.03.2022

Akash Vashistha

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Deepkaran Dalal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.731 dated 23.11.2021, under Sections 341, 354-D, 506 of IPC, registered at Police Station 10A, Gurugram, Haryana.

As per the factual matrix of the case, the present FIR was lodged by the prosecutrix (name concealed). It was alleged that the petitioner, Akash Sharma used to study in the college of the prosecutrix till 2006. However, in 2010 the said Akash Sharma started pressurizing her for marriage, to which, the prosecutrix refused. The prosecutrix got married with one Manas Pachori in 2011 and she shifted along with her husband to Gurugram. The accused Akash Sharma started sending messages on the mobile of her husband only in order to disturb her matrimonial life. The accused traced out the address of her matrimonial home and started teasing her when she used to go for her job. He started troubling her and threatened her that her family will be killed. Having no other alternative, the prosecutrix approached the police and lodged the present FIR. On the commencement of the investigation, apprehending

arrest, the petitioner approached the Court of learned Additional Sessions Judge, Gurugram for grant of anticipatory bail. However, after hearing counsel for the parties, learned Additional Sessions Judge declined the same vide order dated 16.03.2022. Aggrieved by the same, petitioner has approached this Court by way of the present petition.

It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in this case by the prosecutrix. He submits that the petitioner is a respectful member of the society and is a businessman by profession. He further submits that petitioner and his staff members used to visit branch of India Overseas Bank where the prosecutrix is employed and hence, the prosecutrix has intentionally implicated him in a false case. He also submitted that on earlier occasion also, the prosecutrix filed a complaint which was enquired into and found false. One complaint was filed before the National Commission for Woman by the prosecutrix.

I have heard counsel for the petitioner and perused the records.

As per the allegations in the FIR, the prosecutrix has specifically alleged that the petitioner used to study with her in a college and he started troubling her since then. Even after her marriage, he traced out her address and mobile number and had sent messages on the mobile of her husband only in order to shatter her matrimonial life. As observed by the learned Additional Sessions Judge while considering the anticipatory bail, that the petitioner has been served with a notice under Section 41-A Cr.P.C. for joining investigation. However, the petitioner never complied with the same. While considering the prayer for grant of

anticipatory bail, the Court is to take into account, the parameters as enumerated in Section 438(1) Cr.P.C. i.e. the gravity of the offences, antecedents of the accused, his chances of fleeing from justice. The case needs a thorough investigation and granting anticipatory bail to the petitioner would definitely hamper the ongoing investigation.

Examining the facts and circumstances of the present case on the anvil of the statutory provisions and the law settled for granting anticipatory bail, this Court is of the opinion that the petitioner do not qualify for grant of anticipatory bail. Petition being devoid of any merits is hereby dismissed.

29.03.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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