

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

CRM-M-21228-2022

Date of Decision: August 24, 2022

Sahil Singh @ Harman

... Petitioner

Versus

State of U.T., Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.P.S. Sidhu, Advocate,
for the petitioner.

Mr. J.S. Toor, Addl.P.P., UT, Chandigarh.

Mr. Santokhwinder Singh Nabha and
Mr. Jasbir Mor, Advocates,
for the complainant.

Vivek Puri, J.

The petitioner is seeking anticipatory bail in the case FIR No. 71 dated 18.04.2022, under Sections 354/354-D/384/506/34 of the Indian Penal Code (for short 'IPC'), registered at Police Station Industrial Area, Chandigarh, UT, Chandigarh.

Briefly, the allegations against the petitioner are to the effect that the complainant is 19 years old. She came in contact with the petitioner and were having friendly

relations. The petitioner had assured that he was having links with Punjabi film industry and can get some work in Punjabi videos. The petitioner had taken her videos in the mobile phone. She came to know that the petitioner consumes alcohol and drugs and thereafter started maintaining distance from him. The petitioner had been threatening the complainant with dire consequences and also to put her video on internet after getting the same morphed. On 10.02.2022, the petitioner had forcibly stopped the complainant and inappropriately touched her without her consent, when she had gone to the market of Sector 30. The petitioner tried to push her in the car, but the complainant managed to escape. The complainant was in a state of trauma and did not disclose anything to her parents. The petitioner had been following her, whenever she had been visiting Sector 30 market and using abusive and obscene language. On 30.03.2022, the complainant along with her friend was going to market, the petitioner along with his friend Maninder arrived in a car and blocked their way. They came out of the car. Maninder forcibly held the hand of the complainant and asked them to sit in the car. On their refusal, the petitioner slapped her and both of them threatened to kill them.

Learned counsel for the petitioner contends that as per the contents of the FIR, the last occurrence took place

on 30.03.2022, but the FIR has been lodged after a delay of 18 days i.e. on 18.04.2022. On the same day i.e. on 18.04.2022, another case bearing FIR No. 72, under Sections 452 read with Section 34 IPC has been registered against the petitioner and others on the basis of the complaint submitted by the grandfather of the present complainant. The petitioner has been released on bail in the case bearing FIR No. 72 dated 18.04.2022. It is a case of broken relationship. It cannot be said that any forcible act has been attributed to the petitioner and even they had also been exchanging the chats.

The bail application has been resisted by the learned State counsel as well as learned counsel for the complainant. It has been argued that subsequent to the registration of FIR, the petitioner and the co-accused had been hurling threats to the complainant. On the day of registration of the FIR, the petitioner and other persons had committed criminal trespass in the house of the petitioner and an FIR bearing No. 72 dated 18.04.2022 under Sections 452 read with Section 34 IPC was registered at the instance of her grandfather. The petitioner had taken photographs and videos in his mobile phone and the same is yet to be recovered. Furthermore, the petitioner had thrown a letter wrapped in a stone at the house of the complainant with a threatening message. He had also been uploading and

making viral the morphed obscene photographs of the petitioner in social media. Moreover, the arrest of the co-accused, namely, Maninder has been effected and he is in judicial custody.

At the very outset, it may be mentioned here that the anticipatory bail is not to be granted lightly. It is to be granted on the careful assessment of the relevant facts and circumstances emerging in the case. The relief of anticipatory bail can be granted in the event extra ordinary circumstances are made out.

Although, there is a delay of about 18 days in lodging the FIR, but this cannot be termed to be an aspect to extend the concession of anticipatory bail. The allegations against the petitioner are to the effect that he had been outraging the modesty of the complainant and it is quite possible that in order to save her honour and that of the family, she might have refrained from reporting the matter to the police. The effect of delay is to be seen at the appropriate stage of trial.

Furthermore, even the complainant has alleged that she was on friendly terms with the petitioner and subsequently on coming to know that he has been consuming alcohol and drugs, she started maintaining distance from him. In the event, it is a case of a broken relationship, it cannot be construed as a circumstance to

give any liberty to the petitioner to outrage the modesty of the complainant or extend threats in any manner. The conduct of the petitioner after the registration of the FIR is also indicative of the fact that he had committed trespass in the house of the complainant and had also been sending threatening letters. He had also posted morphed obscene photographs of the complainant on the social media. The conduct of the petitioner subsequent to the registration of the FIR aggravates the gravity of the allegations against him. The mobile phone is yet to be recovered. The arrest of the co-accused has already been effected. The matter requires thorough probe and investigation and the custodial interrogation of the petitioner appears to be necessary for the said purpose.

Keeping in view the entire circumstances, no extra ordinary circumstances are made out to extend the concession of anticipatory bail to the petitioner.

Present petition is dismissed, accordingly.

August 24, 2022

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(Vivek Puri)
Judge

Whether reasonable/speaking :	Yes/No
Whether reportable :	Yes/No