

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

Sr. No.215

CRM-M-27932-2022

Date of decision: 10.08.2022

Yogesh Thakur

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sumit Goel, Senior Advocate with
Mr. Abhinav Gupta, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. Sandeep Majithia, Advocate
Mr. Shivdeep, Advocate,
Mr. Bharat Sharma, Advocate
Ms. Kirandeep Kaur, Advocate and
Mr. Abhijit Singh, Advocate
for the complainant.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.13 dated 05.01.2022 registered under Sections 354-D, 384, 389, 501, 504, 505 and 120-B IPC at Police Station Sector-32-33, District Karnal.

On 30.06.2022, this Court had passed the following order:-

“Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.13 dated 05.01.2022 registered under Sections 354-D, 384, 389, 501, 504, 505, 120-B IPC (Section 67-A of the I.T. Act, deleted later) at Police Station Section 32-33, District Karnal.

Learned senior counsel for the petitioner has argued that the FIR was registered at the instance of one Rukmini Singh Hooda against Dharmesh Thakkar, Lakshmi Narayan Shetti and Yogesh Thakur i.e. the present petitioner, with the allegations that on 02.10.2021, she had gone to Cordila Cruz, Mumbai for outing with

her friends and when she came back, the accused persons started harassing her by threatening and blackmailing her. On 09.10.2021, when the complainant had gone to Bangalore with her colleague Amneet Chopra and he informed on her mobile phone that a person namely Dharmesh Thakkar uploaded a post on Facebook using some defamatory and bad words regarding the complainant and one Kashiff Khan, M.D. of the company and had sent screenshot of the post. On checking the screenshot, she found that Dharmesh Thakkar used objectionable and abusive words regarding her and the M.D. of the company in his tweet, which reads as under:-

“Dharmesh Thakkar @ na... CruiseDrugBust pistol gifted @ Fashion TV MD Kashiff Khan to Canadian passport holder friend Rukmini Singh Hooda @ [narcoticsbureau@Mumbai](#) Police both had booked a long term suite on lease @ Taj Lands End.

It is further stated that Dharmesh Thakkar has also uploaded 02 photographs of the complainant and the M.D. Kashiff Khan and has damaged the chastity of the applicant by using the social platform. It is also stated that in May, 2021, the complainant with her mother had gone to Rishikesh where they stayed in a hotel and the aforesaid photographs uploaded in the post are in fact of the said hotel where she is carrying a toy pistol and no pistol was gifted by Kashiff Khan, M.D. of the company. It is further stated that the complainant stayed in Canada for some time for study purpose and has a work permit of Canada and later in June, 2021, she joined a Fashion TV company.

Learned senior counsel for the petitioner has also submitted that with regard to the petitioner Yogesh Thakur, it is stated that the complainant is friend with the petitioner for the last 10 years and has heard him saying that Dharmesh Thakkar is having every news of the Mumbai and had relationship with senior officers and politicians of Mumbai. The complainant raised a doubt that her photographs may be given by Yogesh Thakur to Dharmesh Thakkar by misusing her mobile phone and

later on, the photographs were uploaded by Dharmesh Thakkar with objectionable comments. When she asked the petitioner, he could not give any satisfactory reply.

It is further alleged in the FIR that the complainant has also made phone calls to the wife of the petitioner in this regard and thereafter, they stopped calling each other and the complainant has every reason to believe that it is the petitioner, who has sent the photographs to Dharmesh Thakkar.

Learned senior counsel for the petitioner has further submitted that except the aforesaid allegation, there is no allegation against the petitioner that he has either uploaded any objectionable photographs or had made any such comments. It is also submitted that the complainant's brother Rohan Singh Hooda is the Deputy Superintendent of Police in Karnal and exercises influence in the Haryana Police. The complainant had sent screenshot of messages sent by her brother to her, in which he is threatening false implication of the persons, who have uploaded the post.

Learned senior counsel for the petitioner has referred to the screenshots sent by the complainant to the petitioner to submit that in the said screenshot there is a logo of Haryana Police where the person sending the said message is referring himself as Goldy Bhai and is asking the complainant about the post uploaded by Dharmesh Thakkar. The message sent by the brother of the complainant reflects that he was annoyed with the complainant by saying that ***"Ye kaam kar rai hai in Bombay"*** and in the second conversation, it is further stated that ***"Khandan ka naam Mitti me rol rai hai"*** and in the third conversation, it is stated as follows:-

"Tu Rohan Singh Hooda ki behen hai"

"Inko Main Andar Kar waunga"

"Tu tension Mai le Mai"

"Police team and lawyer is abhi contact karta hun"

"Tu Pagal hai kya"

Learned senior counsel for the petitioner has submitted that the FIR has

been registered under the influence of the brother of the complainant, who is serving as Deputy Superintendent of Police in Haryana Police, without there being any role of the petitioner as even in the FIR he has been suspected to be the person, who has sent some photographs of the complainant and there is no other allegation in the entire FIR.

Lastly, learned senior counsel for the petitioner has argued that from the bare perusal of the post, no obscene act is reflected and the FIR has been registered only under the influence of the brother of the complainant, who is serving as Deputy Superintendent of Police in Haryana Police.

Notice of motion.

Mr. Deepak Grewal, DAG, Haryana who is present in the Court accepts notice on behalf of the respondent – State.

List again on 10.08.2022.

In the meantime, the petitioner is directed to appear before the Investigating Officer within a period of 15 days to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

1. He shall make himself available for interrogation by a police officer as and when required;

2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

3. He shall not leave India without previous permission of the Court.

The affidavit of the Superintendent of Police, Karnal be filed regarding the investigation well before the next date of hearing.

The SHO, Police Station Sector 32-33, District Karnal, is directed to inform the complainant about the next date of hearing.”

In pursuance to the afore-quoted order, a status report in the form of affidavit of Superintendent of Police, Karnal filed in Court today is taken on record in which it has inter-alia been stated as under:-

9. That, complainant has alleged that Amneet Chopra in her statement recorded under Section 161 Cr.P.C. has stated that on 11.10.2021, Dharmesh Thakkar and present petitioner met her in Santa Cruz. Present petitioner had introduced Dharmesh with Amneet and further demanded 10/12 lacs to getting the photos posted on twitter deleted. However, investigation has revealed that Dharmesh was even not available in Mumbai on that day. However, location of Yogesh Thakur on 11.10.2021 is of Santa Cruz.”

10. That, investigation has further revealed that complainant had posted her photos in a social media whatsapp group. Out of these photos, some of them were posted on twitter by Dharmesh Thakkar. However, whatsapp chats produced either by complainant or Yogesh Thakur, no where demand for money has been made in lieu of deleting the photos. Therefore, allegations pertaining to Sections 384, 389 IPC don't stand substantiated so far.”

In addition to the afore stand taken by the State, learned State counsel has also submitted that in pursuance to the afore-quoted order of this Court, the petitioner has not only joined the investigation; he has fully co-operated with the investigating agency and that his custodial interrogation is not required by the State.

In the FIR in question, the complainant has raised only suspicions with regard to the petitioner's involvement and that as per the status report filed by the State preliminary investigation conducted by the police has found allegations made by the complainant qua the petitioner to be rather shaky.

In view of the above and after considering the submissions made on behalf of the petitioner, as recorded in the afore-quoted order of

this Court dated 30.06.2022, as also the statement made by learned State counsel that the petitioner has joined and cooperated with the investigation and that his custodial interrogation is not required by the State, the interim order of this Court dated 30.06.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application at the time when investigation into the allegations against the petitioner is pending and thus the same would not be construed to be an expression of opinion on the merits of the case.

August 10, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

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