

MOONINDER DHIMAN @ MANINDER

...PETITIONER

VERSUS

STATE OF U.T. CHANDIGARH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anil Chaudhary, Advocate for the petitioner.

Mr. J.S. Toor, Addl. PP, for UT, Chandigarh.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Mooninder Dhiman @ Maninder-petitioner is seeking regular bail in the case bearing FIR No.71 dated 18.4.2022 under Sections 354/354-D/384/506/34 of IPC, 1860, registered at Police Station Industrial Area, District Chandigarh.

Briefly, the allegations against the petitioner are to the effect that the complainant is 19 years old. She came in contact with Sahil Singh @ Harman, co-accused and were having friendly relations. The co-accused had assured that he was having links with Punjabi film industry and can get some work in Punjabi videos. The co-accused had taken her videos in the mobile phone. She came to know that the co-accused consumes alcohol and drugs and thereafter started maintaining distance from him. The co-accused 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 co-accused had forcibly stopped the complainant and inappropriately touched her without her consent, when she

had gone to the market of Sector 30. The co-accused 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 co-accused had been following her, whenever she had been visiting Sector 30 market and using abusive and obscene language. On 30.3.2022, the complainant along with her friend was going to market, the co-accused along with the petitioner arrived in a car and blocked their way. They came out of the car. The petitioner forcibly held the hand of the complainant and asked them to sit in the car. On their refusal, the co-accused slapped her and both of them threatened to kill them.

Learned counsel for the petitioner contends that the primary allegations of outraging the modesty, stalking etc. have been attributed against the co-accused. The only allegation against the petitioner is to the effect that he had stopped the complainant on 30.03.2022. Although, another FIR bearing No.72 dated 18.04.2022 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 but the petitioner has been released on bail in that case. Moreover, it was a case of broken relationship of the complainant and the co-accused and the petitioner has been falsely implicated on account of friendly relations with the co-accused. There is a delay of 18 days in lodging the FIR.

Learned State counsel has opposed the bail application on the score that serious allegations have been levelled against the petitioner and the co-accused and the same cannot be viewed lightly. However, it has not been disputed that the investigation of the case is complete and the challan has been presented.

In the case in hand, the primary allegations have been levelled

effect that he along with the co-accused had blocked the way of the complainant and her friend in the market on 30.03.2022 and by holding the hand of the complainant, he had asked them to sit in the car. The investigation of the case is complete and the challan has been presented. The conclusion of trial is likely to take substantial time and no fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

28.10.2022
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(VIVEK PURI)
JUDGE

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