

CRM-M-16970-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-16970-2023

Date of decision : 08.08.2023

Sahil Goyal

..... Petitioner

V/S

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Pranshu Dhull, Advocate for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

Mr. Tanvir Singh Grewal, Advocate for the complainant.

AMARJOT BHATTI J. (ORAL)

1. The petitioner-Sahil Goyal has filed the instant 2nd petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 0030 dated 22.02.2023, under Sections 387, 354-D and 506 of IPC and Section 67 of Information Technology Act, 2000, registered at Police Station Kotwali Bathinda, District Bathinda.

2. The facts of the case are that the complainant gave her statement to the police that she was working as an officer in a bank situated in Hanumangarh (Rajasthan). In the year 2010, she was studying in Giani Zail Singh Engineering College, Bathinda. She along with her class fellows was participating in different programmes. Sahil Goyal was also one of the boy in their group who used to call her and even she used to respond to his calls. After completing their education, he started his business whereas she was working in a Bank. Sahil Gupta proposed for their marriage but she refused as she did not want to marry against the wishes of her parents. He tried to contact her parents but despite refusal, he did not stop harassing her. He started threatening her. He along with his relatives tried to pressurize her

parents and even threatened to kill her family or to defame them by levelling false allegations. He started blackmailing her. Her family contacted his father and other relatives. The parents and relatives of Sahil Gupta assured that it would not happen again. In July 2021, he again started stalking her. In October, 2021, he again threatened to spoil her life in case she did not marry him. He threatened to kill her family members with the help of gangsters. Again a Panchayat was convened but there was no change in his behaviour. They were receiving threatening calls. He even threatened to commit suicide and to entangle her parents in a false case. She has narrated the dates when the accused tried to contact her and threatened her. They also received a threatening call allegedly from a group of gangster raising demand of Rs.50 Lacs. They were receiving calls from Foreign numbers. Ultimately, the matter was reported to the police and the present FIR has been registered.

3. Learned counsel for the petitioner argued that all the allegations levelled against the petitioner are false. The complainant has lodged the FIR under the influence of her family. There is delay of 11 days in lodging the FIR. The present petitioner has never threatened the complainant or her family members. The learned counsel for the petitioner has relied upon the photographs (Annexure P-4) to establish their friendly relationship with each other. One copy of whatsapp chat (Annexure P-5) is also placed on record. Learned counsel for the petitioner has also relied upon their whatsapp chat from time to time (Annexure P-6 and P-8). It is argued that all the allegations are false. He is ready to join the investigation, therefore his anticipatory bail application may be allowed.

4. The bail application is opposed by learned counsel representing the State as well as learned counsel for the complainant. The detailed status report is also filed. It is argued that there are clear allegations of stalking, threatening and demand of ransom. Due to the conduct of present petitioner, the engagement of complainant

with Harshit broke down. Now the complainant is a married lady living in the matrimonial home, even then she is being threatened.

Learned counsel for the complainant has placed on record one letter written by Harshit Bansal to SSP Bathinda (Annexure R-2/3) for taking legal action on account of receiving threatening calls. There is another complaint filed by Nikhil Bansal (Annexure R-2/4) addressed to SHO Maur Mandi for the threats given by Sahil Gupta. The statement of Sahil Singla and Nikhil Bansal were also recorded under Section 161 Cr.P.C. confirming the allegations. Learned State counsel pointed out that the present petitioner created false identity for giving threatening calls to the complainant and her family members. He is required to join the investigation, therefore, he does not deserve the concession of anticipatory bail.

5. The petitioner-Sahil Goyal had filed 1st anticipatory bail application bearing CRM-M-12363-2023 titled as Sahil Goyal vs. State of Punjab which was dismissed as withdrawn vide order dated 29.03.2023 (Annexure P-3) with the liberty to avail appropriate remedy before the learned trial Court. However, the anticipatory bail application filed before Additional Sessions Judge, Bathinda was also dismissed vide order dated 01.04.2023, which is Annexure P-2.

6. I have considered the arguments and have gone through the record. The facts of the case clearly indicate that the complainant and Sahil Gupta were friendly with each other along with other students while they were studying in Giani Zail Singh Engineering College, Bathinda. Even after completing their education, they were in contact with each other. Some of the photographs are also placed on record as Annexure P-4. The complainant clearly stated that when the accused proposed for marriage, she refused as she was not ready to go against the wishes of her family. Thereafter, the dispute started when the petitioner started pressurizing the respondent as well as her family for their marriage. The facts of the case, further indicate that the

family of present petitioner was also informed but even then the petitioner did not change his attitude, rather there are allegations of threatening calls, demanding ransom from unknown numbers. There are serious allegations of stalking. It has also come on record that the engagement of complainant with Harshit was broken due to the conduct of petitioner. The learned State counsel has placed on record the statements of Sahil Singla S/o Raman Kumar Singla and Nikhil Bansal confirming the allegations. The learned counsel for the complainant has placed on record the complaints filed by Harshit and Nikhil Bansal regarding the threats received by them. The said applications are Annexure R-2/3 and Annexure R-2/4.

Considering the allegations against the present petitioner, he is required to join the investigation. I do not find a fit case for anticipatory bail and the same is accordingly declined.

(AMARJOT BHATTI)
JUDGE

08.08.2023.
Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No